

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-4988-2022 (O&M)

Date of Decision:-15.03.2022

Surender Rao

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

HON'BLE MR. JUSTICE LALIT BATRA

Present:- Ms. Priyanka Sud, Advocate for the petitioner.

Mr. B.R. Mahajan, Advocate General, Haryana and

Mr. Samarth Sagar, Addl. A.G. Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioner has filed the instant writ petition raising the following prayers:-

a) *A writ of certiorari quashing the impugned order dated 02.09.2021 (Annexure P-10) passed by respondent No.2 thereby dismissing the grounds of appeal/objections filed/submitted by the petitioner in compliance of the order dated 06.03.2014 passed in CWP No.2192/2014.*

b) *A writ of certiorari quashing the impugned order of demolition dated 15.01.2014 (Annexure P-6) passed by respondent No.3.*

c) *A writ of mandamus or any other writ thereby directing the respondents for making a policy on rehabilitation or for rehabilitating the petitioner before his*

displacement from the present shop and by giving him space/shop within the coming multilevel shopping complex having more than 135 commercial shops in it on the basis of giving first right of purchase at a subside/discounted rate at the time of assessing the market rate of the shop or alternatively giving right of taking such space/shop on long term lease or alternatively provide any convenient site/space near the present shop and within or in close proximity to the main Sadar Bazaar, Gurugram where the shop of the petitioner already is in use and occupation for the last more than 60 years

d) an interim maintenance staying the operation and effect of the impugned order dated 02.09.2021 during the pendency of the present writ petition. Further praying for dispensing with the filing of the certified copies of the Annexure P-1 to P-11.

Instant writ petition had come up for preliminary hearing before this Court on 11.03.2022. At that stage Mr. Samarth Sagar, Addl. A.G. Haryana, had brought to our notice that a suit for declaration of title by way of adverse possession pertaining to the same very parcel of land which is a subject matter of the instant writ petition already stood instituted by the petitioner and in which issues had already been framed.

Furthermore, learned State counsel had apprised us that an

application under Order 39 Rule 1 and 2 had been filed by the petitioner and which was dismissed by the Trial Court and furthermore even an appeal thereafter had been declined by the Lower Appellate Court on 02.02.2022.

Counsel for the petitioner was confronted with such situation and had sought a short accommodation to complete instructions.

During the course of resumed hearing today the factum of the suit for declaration of title for the same very parcel of land having been filed, is conceded. It is not even disputed that an application for injunction had been filed and which had failed. Even the appeal had been filed and the same was also dismissed.

An attempt has been made to salvage such situation by submitting that the suit has now been withdrawn on 12.03.2022 i.e. after the passing of the previous order by this Court on 11.03.2022.

Pleadings on record would indicate that there is not even a whisper in the entire petition as regards the pendency of the suit. The writ petition had been filed on 23.02.2022 i.e. at a point of time when the suit admittedly was pending.

We have no hesitation in observing that there has been a material concealment on the part of the petitioner and an attempt has been made to hoodwink this court.

Conduct of the petitioner dis-entitles him from any relief by the Writ Court.

Writ petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

15.03.2022

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No