

CWP No.9145 of 2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9145 of 2022
Date of decision : 12.05.2022

Bakhshish Singh & others

.....Petitioners

VERSUS

State of Punjab and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sunil Agnihotri, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court for quashing the assessment committee report which was submitted to this Court by the Deputy Commissioner, Hoshiarpur – respondent No.2, in pursuance to the order passed by this Court in CWP No.5303 of 2015 as an interim measure.

Counsel for the petitioner has not disclosed the final order which has been passed by this Court in CWP No.5303 of 2015, titled as 'Santokh Singh and others Vs. State of Punjab and others', which was decided on 02.06.2016. When the case was taken up for hearing, counsel for the petitioner was not aware of the order which had actually been passed in the said writ petition. This Court, therefore, obtained a copy of the said order which was downloaded from the website of this Court and perusal of the same would show that the Court on considering the assessment of rent

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by the Executive Engineer, Panchayati Raj Public Works (C&M) Division, Hoshiarpur and other Officers of the team recorded it to be quite fair, just and equitable. It is, under these circumstances, the writ petition was disposed of by granting a month's time to the petitioners in the said writ petition to deposit the rent as assessed. It may be added here that even the review application which was preferred by the petitioners therein i.e. RA-CW-335-2016 was dismissed by this Court vide order dated 11.11.2016, which fact has also not been disclosed by the petitioners in this writ petition.

The basic ground for challenging the assessment report, which was submitted by the committee which was constituted in pursuance to an interim order passed by this Court, is unreasonable and unjust and the calculations made thereunder are not in consonance with the Collector's rate. This challenge in the present writ petition, in the light of the order dated 02.06.2016 passed by this Court in *Santokh Singh's* case (supra) cannot sustain.

However, in the facts and circumstances of the present case, where the petitioners have approached this Court not with clean hands and with an intention to misguide and mislead the Court without verifying the final order passed in the writ petition, the assessment report has been challenged by them with an intention on the part of the petitioners to misuse the process of law. Non-disclosure of facts on the part of the petitioners with an intention to mislead the Court and to get orders, it would be not in consonance with an order which would be contrary to the earlier order passed by this Court cannot be accepted nor would it be advisable to leave such person(s) without being punished for such a misconduct on their part.

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We, therefore, dismiss the present writ petition with costs of Rs.1,00,000/- (One lakh only) to be equally distributed amongst the petitioners and recovered from them. The costs be deposited with the Poor Patients Welfare Fund, PGIMER, Chandighr, within a period of one month from today. In case of non-deposit of the amount and non-submission of the receipt thereof by the counsel for the petitioners in the Registry, the case be again put up before the Bench for further orders.

(AUGUSTINE GEORGE MASIH)
JUDGE

12.05.2022
Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No