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**IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH.**

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**CWP-2642-2016 (O&M).  
Date of Decision: 02.04.2025.**

**KARNAIL SINGH**

... Petitioner

Versus

**STATE OF HARYANA AND OTHERS**

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

Present: Mr. Ravinder Malik (Ravi), Advocate,  
for the applicant-petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

**VINOD S. BHARDWAJ, J. (ORAL)**

**CM-4662-CWP-2025**

Prayer made in the present application is for recalling the order dated 18.03.2024 passed by this Court dismissing the writ petition for non-prosecution.

Notice in the application.

Ms. Tanisha Peshawaria, DAG, Haryana, accepts notice and submits that she has no objection in case the present application is allowed and the main case is taken up on Board today itself for hearing.

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In view of above and for the reasons mentioned in the application, the same is allowed. The order dated 18.03.2024 is recalled. The main case is restored at its original number and taken on board today itself for final hearing.

Main case

The instant writ petition has been filed for seeking quashing of order dated 24.12.2015 passed by Secretary to the Government of Haryana, Department of Agriculture, Haryana and endorsed to the petitioner on 03.02.2016 as well as the notice dated 02.02.2016 along with proceedings dated 21.12.2015 whereby the petitioner had been directed to vacate the site of the petrol pump immediately.

A further prayer has been made for issuance of directions to the respondents to charge the lease amount from the petitioner @Rs.16,000/- per month in view of the resolution No.4 of supplementary Agenda dated 11.02.2010 and in the light of the proceedings passed by the Board of Directors wherein the lease of the petitioner was extended from July 2005 to June 2020 with 15% increase after every three years.

Noticing the contention of the petitioner that the balance outstanding amount was Rs. 18,18,474/- and that in order to show his bona fide he had brought a demand draft of Rs.6,50,000/- and also submitted an undertaking that the petitioner is ready to clear the remaining amount, vide

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order dated 10.03.2016, notice of motion was issued and the operation of the impugned order dated 24.12.2015 passed by the Additional Chief Secretary to Government of Haryana, Agriculture Department, was stayed.

On the adjourned date of hearing, counsel for the respondent Marketing Board pointed out that the outstanding amount was more than Rs.1.00 crore and the outstanding amount had been wrongly conveyed by the petitioner. Notwithstanding the same, interim protection was further extended subject to final outcome of the writ petition.

Be that as it may, eventually when the case was taken up on 05.08.2022, counsel for the petitioner made a statement before this Court that the petitioner shall make payment of Rs.25,00,000/-, without prejudice to his rights in the writ petition, within a period of one month. Notwithstanding the aforesaid statement made before this Court in August 2022, the promised amount was not paid. On the next date of hearing i.e. on 14.09.2022, the petitioner was granted yet another opportunity to comply with the undertaking already given. The matter was hence adjourned to 02.11.2022 on which such date the Local Bar Association was abstaining from work, hence, the hearing was adjourned to 05.01.2023. On the said date, counsel for the petitioner sought last opportunity to deposit the amount as undertaken by him as per the order dated 05.08.2022. 06 weeks' time was granted to the petitioner to comply with the said undertaking failing which interim order was to be vacated automatically. However, notwithstanding the same, the

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payment was not made, hence, the interim protection stood vacated as recorded in the order dated 16.03.2023. Thereafter, the matter was taken up on 28.08.2023 as well as on 04.12.2023 and was adjourned on the request of counsel for the petitioner. On 05.12.2023, an affidavit was filed by the petitioner wherein it was specifically averred that the petitioner shall clear the pending lease amount as per the erstwhile rate of rent @ Rs.16,000/- per month within a period of two months viz. by 04.02.2024. The court granted him opportunity to clear the pending arrears as per his own admission within the said timeframe and hearing of the case was deferred to 18.03.2024 on which date, counsel for the petitioner contended that he has no instructions from the petitioner. Hence, the case was dismissed for non-prosecution. However, in the application filed by the to petitioner for seeking restoration, it has been stated by him that owing to the grandson of the petitioner suffering from leukaemia, he could not abide by the undertaking given before this Court. The period of such treatment is stated to be from October 2023 to April 2024. The petitioner has continued to occupy the land for the last more than 09 years approximately under protection of interim orders passed by this Court and has yet chosen not to deposit the rent despite his own claimed rate of Rs. 16,000/- per month.

Learned counsel for the petitioner fairly concedes that even though the undertaking by the petitioner was submitted on 05.08.2022 that he shall make payment of Rs.25,00,000/- within a period of one month, however, notwithstanding that the detection of leukaemia was from October

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2023 to April 2024 i.e. nearly one year after the undertaking given by him, however, even then the said undertaking was not honoured.

Learned counsel for the petitioner also does not dispute that the subsequent undertaking to clear at least the outstanding amount @ Rs. 16,000/- per month was given on 05.12.2023 when the petitioner was fully aware of all the circumstances, hence, at this belated stage, it cannot be perceived that the petitioner was not aware of his financial constraints or that he acquired knowledge of treatment of his grandson as a surprise later. Still further, even though the writ petition was dismissed for non-prosecution on 18.03.2024, however, till March 2025, when the instant application seeking recall of the order dismissing the petition for non-prosecution has been filed, the arrears have not been cleared.

It seems that the petitioner is seeking to take advantage of the unfortunate tragedy that struck his family as a way out to not honour his undertaking given to the Court and from payment of the undisputed dues. Having obtained interim protection from this Court, on the pretext of assurance to repay the outstanding amount, the petitioner cannot be permitted to perpetually enjoy the possession without clearing the accrued liability. He thus does not deserve the concession or indulgence of this Court any further.

It is also a well recognised principle of law that a person must approach a Court of law with clean hands failing which the Court may refuse to entertain his petition. The repeated failure to honour the commitments

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made before this Court would disqualify the petitioner from any further indulgence.

The present writ petition is accordingly dismissed for want of compliance of the repeated undertakings given by the petitioner before this Court to clear the outstanding dues.

**April 02, 2025.**  
**raj arora**

**(VINOD S. BHARDWAJ)**  
**JUDGE**

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No