

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

**COCP No.1114 of 2015
Date of Decision:13.05.2015**

Raghbir Singh

. . . . Petitioner

Vs.

Ravi Bhagat and others

. . . .Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Veneet Sharma, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has invoked the provision of Section 10 of the Contempt of Court Act, 1971 (for short 'the Act') for alleged willful disobedience of the decree passed by the Lok Adalat on 5.4.2003 for not implementing it by incorporating entries in the revenue record.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that the present contempt petition is not maintainable in the given facts and circumstances because the Civil Court had only declared the EXISTING right of the petitioner that he is the owner in possession to the extent of 1/2 share and 1/6th share of the land in question. Even after the decree, there is an order passed by the Additional Commissioner (Appeals), Jalandhar that the decree dated 5.4.2003, which has not been set aside, may be given effect to and despite a representation made by the petitioner to the Tehsildar, the relevant entries are not being incorporated. These facts and circumstances

are not sufficient to initiate contempt proceedings because contempt proceedings are initiated in regard to any direction or order passed by the Court whereas a declaratory decree is not a direction nor order rather it is only a declaration of pre-existing right of the plaintiff. In such circumstances, the only remedy available with the petitioner is to prefer a writ petition seeking mandamus against the respondents/officials to incorporate his right in the revenue record because mandamus would lie where there is a right of one party and a corresponding duty of the other.

At this stage, learned counsel for the petitioner prays for withdrawal of this petition.

Dismissed as withdrawn.

13.05.2015

Vivek

(RAKESH KUMAR JAIN)
JUDGE