

COCP No.1235 of 2013

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

**COCP No.1235 of 2013
Date of decision:07.05.2015**

Municipal Committee, Rania

...Petitioner

Versus

Yakub Khan and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. M.L.Saini, Advocate,
for the petitioner.

Mr. G.N.Malik, Advocate,
for respondent No.1.

Rakesh Kumar Jain, J.

The petitioner has prayed for initiation of contempt proceedings against the respondents for alleged willful disobedience of the order dated 23.09.2004 passed by this Court in RSA No.2791 of 2004.

The Punjab Wakf Board filed a suit for declaration that it is owner of the land measuring 1133 kanal 11 marlas, situated within the revenue estate of Rania, District Sirsa and the entries in favour of the petitioner are wrong and liable to be corrected. The suit was decreed on 22.05.1998 and the appeal filed by the petitioner was dismissed on 03.03.2004. The petitioner filed second appeal in this Court which was admitted on 23.09.2014 and *status quo* was ordered in the meantime.

It is submitted that since the respondents have leased out the

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suit land despite the order of *status quo*, therefore, they have committed the contempt.

Counsel appearing on behalf of respondent No.1 has argued that the petitioner was never found in possession of the suit land. He has referred to the finding recorded by the trial Court, which reads thus:-

“In the present case, the Municipal Committee did not claim possession over the suit land rather the same is with the pattedar of Wakf Board, to whom M.C., Rania, considering to be in unauthorized possession, filed petitions under Public premises act and these petitioners were adjourned *sine die* vide judgments Ex.P-10 to P-30. M.C. Rania never took possession after change of entries in the records.”

Learned counsel for the petitioner could not prove possession of the petitioner over the suit land on the basis of finding recorded by the Court below to take advantage of the order of *status quo*, which otherwise means that whosoever is in possession would remain in possession.

In view thereof, I do not find any merit in the present contempt petition and hence, the same is hereby dismissed.

May 07, 2015
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(Rakesh Kumar Jain)
Judge