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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.1197of 2015
Date of decision:19.05.2015

Jai Narain and others ...Petitioners

Versus

Shri Sat Pal and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Adarsh Jain, Advocate,
for the petitioners.

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Rakesh Kumar Jain, J.

The petitioners have prayed for initiation of contempt proceedings against the respondents for the alleged willful disobedience of the order dated 27.04.2015 passed by this Court in CWP No.7875 of 2015.

In brief, the petitioners challenged the notification issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "Act") dated 22.02.1993, notification issued under Section 6 of the Act dated 21.02.1994 and the award dated 20.02.1996 on the ground that the acquisition proceedings have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "Act of 2013"). The writ petition was disposed of with liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in

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the writ petition before the appropriate authority, who was further directed to decide the same within a period of 2 months by passing a speaking order, after affording an opportunity of hearing to the petitioners, within a period of four months. It was further ordered that *"till the matter is decided by the said authority, status quo shall be maintained by the parties".*

According to the petitioners, they wrote a letter on 27.04.2015 to the Estate Officer, HUDA, Sector 12, Faridabad about the order of *status quo* passed by this Court. An affidavit was also filed in that regard, but the construction raised by the petitioners on the land in question was demolished on 01.05.2015, whereas it is an admitted fact that the order passed by this Court on 27.04.2015 was not shown to the respondents except for filing the affidavit etc. It is also admitted during the course of hearing that certified copy of the order dated 27.04.2015 was obtained on 09.05.2015.

Counsel for the petitioners has vehemently argued that once the order has been passed by this Court and an affidavit has been given by the petitioners in that regard, the respondents should have kept the demolition proceedings in abeyance.

After hearing learned counsel for the petitioners and examining the record, I am of the considered opinion that the respondents have not willfully disobeyed the order passed by this Court because admittedly, no certified copy of the order was brought to the notice of the respondents wherein the parties were directed to maintain *status quo.* It would have been a different situation had the petitioners produced the certified copy of

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the order passed by this Court and still the respondents had carried out the demolition in the land in question, but in the absence of the certified copy of the order having been produced before the respondents, no action under Section 10/12 of the Contempt of Courts Act, 1971, can be taken against them.

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

May 19, 2015 (**Rakesh Kumar Jain)**
vinod* **Judge**