

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

212

COCp-2093-2013

Decided on: 10.08.2015

Malra Sarai Gram Sudhar Samiti

.....Petitioner

vs.

Sudhar Chand Gauba

.....Respondent

**Coram: Hon'ble Mr. Justice Mahesh Grover**

Present: Mr.Mukesh Yadav, Advocate for the petitioner.

Mr.Gagandeep S. Wasu, Addl.A.G. Haryana.

Mr. Anurag Jain, Advocate for respondent.

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**Mahesh Grover, J**

The petitioner had approached this Court alleging non compliance of the directions given by this Court vide order dated 11.03.2013. The following is the effective portion of the directions:-

“ In case, such petition/petitions is/are filed, it/they shall be considered and decided within one month after issuing notices to parties, likely to be adversely affected.”

The petition referred to in the afore-extracted directives are petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 ( hereinafter referred to 'the Act'). Since the petitioner complained that even though petition had been preferred under Section 7 of the Act, the competent authority under law was not deciding it in terms of the mandate of this Court and thus, had prayed that contempt proceedings be initiated against him.

On 19.08.2013, when this petition came up for hearing, the Court directed the petitioner to place on record the zimni orders passed in the

proceedings under Section 7 of the Act and adjourned the matter *sine die* to be listed as and when an application is moved in this regard.

Thereafter the petitioner prayed for a number of adjournments and finally on 22.01.2015, notice of motion was issued after the petitioner had complied with the aforesaid directives of the Court to place on record the zimni orders. It is necessary to mention here that the concerned authority decided the proceedings under Section 7 of the Act on 12.12.2014 in the presence of the parties and order Annexure R5 has been placed on record by the respondent. The petitioner had concealed this fact from the Court while placing on record the zimni orders and rather chose to place on record an order giving an impression that the proceeding under Section 7 of the Act was still pending even though it pertained to an order passed by the Appellate Authority in the appeal preferred by one of the parties to the proceedings. It was the duty of the petitioner to bring to the notice of this Court that the proceedings under Section 7 of the Act stood concluded but rather while making an application, the petitioner persisted with the contempt proceedings by making an effort to misrepresent the facts to indicate pendency of proceedings even though the same stood concluded. It was in this backdrop that the Court chose to issue notice to the respondent.

Since the order passed by the competent authority was to the knowledge of the petitioner, it was his bounden duty to have disclosed this fact to this Court. Having concealed it, he has tried to over reach the Court and has unnecessarily ensured the summoning of the respondent in proceedings under the Contempt of Courts Act which is a serious matter.

On account of the aforesaid concealment of facts and for warranting it unnecessarily summoning to the respondents, the petitioner is burdened with costs of Rs.20,000/-, which shall be deposited before the Mediation and

Conciliation Centre of this Court within a period of three weeks from today, failing which the Chief Judicial Magistrate, Mahendergarh shall ensure the recovery of the same from the petitioner even if he has to resort to coercive process. On realizing, the amount shall be sent to the Mediation and Conciliation Centre of this Court.

Since the order of this Court already stands complied with, the contempt petition is dismissed.

**10.08.2015**

**mamta**

**(MAHESH GROVER)**

**JUDGE**