

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

COCP No.2734 of 2015
Date of Decision:-21.10.2015

Nirpal Singh

..... Petitioner

Vs.

Mahant Karam Singh Chela Sant Singh

..... Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Shailendra Sharma, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to initiate contempt proceedings against the respondent for alleged willful violation of the orders dated 12.1.2007 and 12.2.2008 passed by this Court.

The orders dated 12.1.2007 and 12.2.2008 are reproduced as under:-

*“Present: Mr.Sanjay Majithia, Advocate,
for the petitioner-applicant.*

It is contended by learned counsel for the applicant that Khasra No.491 measuring 2 kanals situated in village Rampura is a cremation ground for the community of Sidhu Sardars of village Rampura. This fact has been established upto the Apex Court in some collateral litigation arising out of the consolidation proceedings which is also a part of the writ petition already admitted in this Court. Now the employees of Gurudwara abutted to the aforesaid piece of land have started

2015.10.31 12:15
I attest to the accuracy and
authenticity of this document

raising construction. In support of his aforesaid contention, learned counsel for the applicant has also filed an affidavit.

Notice of motion for 12.2.2007.

In the meantime, respondent No.5 Gurudwara Sahib through Mahant Kram Singh Chela Sant Singh, village Rampura, Tehsil Phul, Distt. Bhatinda is restrained from raising any kind of construction over the aforesaid Khasra No. till further orders.

Copy of this order be given dasti under the signatures of Reader of this Court.

Jan. 12, 2007

*Sd/- Pritam Pal
Judge”*

“Present: Mr.Sanjay Majithia, Advocate, for the applicant/petitioner.

*Mr.Arvind Mittal, Addl. A.G.
Punjab for respondents No.1 to 4.*

Mr.J.P.S. Sandhu, Advocate, for respondent No.5.

This is an application filed under Section 151 of the Code of Civil Procedure for restraining respondent No.5 from raising the construction over the land in Khasra No.491 measuring 2 Kanal situated in village Rampura Tehsil Phul Distt. Bhatinda.

This Court on Jan. 12, 2007 while issuing notice of this application had restrained No.5 Gurudwara Sahib through Mahant Karam Singh Chela Santa Singh, Village Rampura Tehsil Phul Distt. Bhatinda from raising any kind of construction over the Khasra Nos. till further orders.

After hearing ld. Counsel for the parties, interim order dated 12.1.2007 is made absolute. C.M. stands disposed off.

Main case is listed for final hearing within two years.

Feb.12, 2008

*Sd- Ajay Kumar Mittal
Judge”*

It is submitted by learned counsel for the petitioner that the respondent has demolished the intervening wall, therefore, they have violated the orders passed by this Court.

After hearing learned counsel for the petitioner and perusal of record, I am of the considered opinion that there is no violation of the orders passed by this Court because the respondent has been restrained from raising construction which has admittedly not been raised by the respondent.

In view of the above, the present petition is hereby dismissed.

21.10.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**