

COCP No.2818 of 2015

[1]

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

**COCP No.2818 of 2015
Date of decision:03.11.2015**

Kreshan

...Petitioner

Versus

Sh. Nitin Kumar Yadav IAS and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. N.S.Behgal, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has prayed for initiation of contempt proceedings against the respondents for the alleged non-compliance of the orders dated 19.01.2015 passed in CWP No.25480 of 2015 and 29.06.2015 passed in CWP No.12529 of 2015.

In short, CWP No.25480 of 2013 was filed by Amarjeet Kaur wife of Baldev Dass seeking a writ in the nature of *certiorari* for setting aside the order dated 03.09.2013 passed by the Electricity Ombudsman, Haryana and the order dated 09.01.2013 by which her application to release the tube-well connection was declined. The said writ petition was disposed of on 19.01.2015 with the following order:-

“1. The counsel for the petitioner says that the property where the tube-well connection has to be given has since been entered exclusively in the name of the petitioner in the khasra girdwari and no objection from others arises. The petitioner is entitled to make

a representation furnishing details and if such a representation with details of proof of his ownership over the land are furnished, the respondents will take appropriate decision and favour the petitioner with electricity, if there are no other hindrances. The whole exercise is to be undertaken within eight weeks from the date of receipt of a copy of this order.

2. The writ petition stands disposed of accordingly.”

Thereafter, the present petitioner filed CWP No.12529 of 2015 against the present respondents as well as Amarjeet Kaur seeking a writ in the nature of *mandamus*, directing respondents No.1 and 3 to consider and decide the objection filed by him with other co-sharers against the tube-well connection applied by Amarjeet Kaur (respondent therein). The said writ petition was disposed of with the following order:-

“Counsel for the petitioner, after arguing for some time, prays for withdrawal of the present writ petition with liberty to pursue the objections, which have been filed by the petitioner to the representation of respondent No.4 for grant of tubewell connection, in pursuance to the order passed by this Court in Civil Writ Petition No.25480 of 2013 titled as Amarjeet Kaur Versus Chairman-cum-Managing Director, Uttar Haryana Bijli Vitran Nigam Ltd. and others, decided on 19.01.2015.

Disposed of as withdrawn with liberty aforesaid.”

According to the petitioner, the writ petition filed by Amarjeet Kaur was disposed of on 19.01.2015 directing the department to entertain the representation made by her with details of proof of her ownership over the land before taking a decision and his writ petition was allowed to be withdrawn with liberty to pursue his objections against the said representation filed by Amarjeet Kaur. It is submitted that the respondents have willfully disobeyed the order as they have not decided his objections

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till date.

I have heard learned counsel for the petitioner and perused the available record to which the petitioner has also appended a letter dated 08.09.2015 addressed by the SDO 'OP' S/Division, UHBVN, Garhi Birbal, asking the petitioner to appear before him in connection with the objections filed by him and to produce evidence or any stay order from the Court for not releasing the connection to Amarjeet Kaur, otherwise there would be no alternate with the department but to issue the connection. The petitioner has preferred to file this contempt petition just in order to pressurize the respondents, otherwise apparently there is no disobedience on the part of the respondents.

Consequently, the present petition is hereby dismissed being denuded of any merit.

November 03, 2015
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(Rakesh Kumar Jain)
Judge