

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

COCP No.52 of 2015 (O&M)
Date of Decision:15.06.2015

Gurjant Singh

. . . .Petitioner

Versus

Swapan Sharma

. . . . Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Ms.Navdeep, Advocate,
for the petitioner.

Mr.S.S. Rangi, Advocate,
for the respondent.

RAKESH KUMAR JAIN, J.

The petitioner filed a Crl. Misc. No.34651 of 2014 making specific allegations against Chamkaur Singh son of Sooba Singh and Jasbir Singh son of Harpal Singh, both residents of village Mahuana Bodla, Tehsil & District Fazilka that they had illegally and forcibly harvested his crop, allegedly taken forcible possession of his land and extended threat to his life and liberty. He also urged that though representations have been made to the police officials but no action has been taken. He further suffered a statement that he would be satisfied if Senior Superintendent of Police, Fazilka is directed to look into his representation dated 27.8.2014 and take necessary action thereon in accordance with law.

In this petition, petitioner's allegation is that the respondent, namely, Senior Superintendent of Police, Fazilka has

willfully disobeyed the order passed by this Court dated 17.10.2014. The respondent filed a reply to the contempt petition in which it is averred that after examining the representation dated 27.8.2014, he had entrusted the enquiry to Deputy Superintendent of Police, Economic Offence Wing, Sub Division Fazikla, who vide his report dated 20.10.2014 found that the allegations made by the petitioner in the representation are not correct. Accordingly, the respondent decided the representation by passing a speaking order on 25.10.2014. In the enquiry report dated 20.10.2014, it was reported that petitioner-Gurjant Singh was the adopted son of Santi wife of Bishan Singh. Santi entered into an agreement to sell dated 28.6.1978 of her land comprising 77 kanal 8 marla with Harpal Singh son of Jhanda Singh and Chamkaur Singh son of Balaur Singh for a sum of ₹4000/- and the sale deed was to be executed on 2.11.1978. Harpal Singh filed a suit against Santi which was decided in favour of Harpal Singh etc. Santi filed the appeal, expired during its pendency and at that stage the petitioner-Gurjant Singh stepped into this litigation. He also found that the possession has been taken by Harpal Singh with the help of Revenue Department because the Court had issued warrant of possession in his favour whereas the petitioner has failed to produce any document in support of his allegation. On the aforesaid enquiry, the respondent passed the order on 25.10.2014 towards the compliance of the order passed by this Court on 17.10.2014.

During the course of hearing of this petition, Manjit Singh, Deputy Superintendent of Police, who had conducted the enquiry, was directed to file his affidavit. He has filed his affidavit dated 20.5.2015 in which he has averred that the enquiry was

conducted through Darshan Singh, Sub Inspector of Economic Offence Wing and before it was sent to the Senior Superintendent of Police, he had only recommended to file the same in the office. The report of SI Darshan Singh of Economic Offence Wing dated 2.10.2014 is also annexed as Annexure R-2 with the reply.

Learned counsel for the petitioner has argued that since no action has been taken by the respondent against Chamkaur Singh and Jasbir Singh, therefore, the respondent has violated the order passed by this Court on 17.10.2014.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that the order passed by this Court dated 17.10.2014 has been duly complied with because the sale deed was executed vide Vasika No.237 on 16.7.2014 under the order of the Civil Judge, Fazika through her Reader Rajiv in favour of the plaintiff in the suit filed against Santi, predecessor-in-interest of the petitioner and the possession was not taken forcibly. Moreover, the only direction issued by this Court to the respondent was to decide representation of the petitioner which has already been decided, therefore, the petitioner may, if so advised, take up his other remedies in accordance with law but insofar as the present contempt petition is concerned, it has outlived its life and is thus hereby dismissed.

Rule discharged.

15.06.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**