

COCP No.827 of 2015

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

**COCP No.827 of 2015
Date of decision:07.04.2015**

Ombati ...Petitioner
Versus
Sh. Satpal Singh ...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. A.S.Tewatia, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has filed this petition under Section 12 of the Contempt of Court Act, 1971 (here-in-after referred to as the “Act”) for proceeding against the respondent for willful and intentional disobedience of the order dated 02.05.2014 passed by this Court in CWP No.3586 of 1989 titled as “Hira Singh Rawat and others v. State of Haryana and others”.

The petitioner has averred that she had purchased the land measuring 190 square yards in Rectangle No.121, Killa No.10/2, situated in the revenue estate of village Badkal, District Faridabad, vide sale deed dated 28.07.1983 and the mutation was also sanctioned on the basis thereof on 16.11.1989. She has constructed a *pucca* house on the said land which is now in the locality known as Sanjay Gandhi Memorial Nagar, Badkal and

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has been numbered as House No.150, P-Block. In the past, the residents of Sanjay Gandhi Memorial Nagar filed CWP No.3586 of 1989 to challenge the notifications dated 20.07.1987 and 19.02.1988 issued under Sections 4 and 6 of the Land Acquisition Act, 1884 on the ground that they have constructed residential houses on the acquired land. The said writ petition was allowed by the Division Bench of this Court on 02.05.2014 holding that the residential houses constructed by the petitioners along with adequate open space shall stand released subject to the condition that the Municipal Corporation, Faridabad or any other competent authority shall determine the development charges required to be paid by the petitioners and the same shall be deposited by them within a period of three months from the date of communication of the charges and if any of the petitioners had received compensation, the same shall be refunded along with interest @ admissible under the Land Acquisition Act, 1894.

The grievance of the petitioner is that on 10.03.2015, the respondent demolished the boundary wall of his house in violation of the order passed by this Court and has, thus, committed contempt of the order dated 02.05.2014.

After hearing learned counsel for the petitioner and examining the record, I am of the considered opinion that no material has been supplied by the petitioner to indicate the alleged act of harassment on the part of the respondent except for making the averment in the petition. Since the acquisition proceedings have already been quashed by this Court on 02.05.2014, any interference in the possession of the petitioner by the

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respondent would not *ipso facto* mean that it is on the pretext of acquisition of the land, rather it could be on account of various other reasons for which the petitioner should have filed suit for permanent injunction instead of invoking the provisions of Section 12 of the Act.

Accordingly, I do not find any reason to issue notice to the respondent and consequently, the present petition is hereby dismissed in limine.

April 07, 2015
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(Rakesh Kumar Jain)
Judge