

COCP No.680 of 2014

[1]

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

**COCP No.680 of 2014
Date of decision:14.05.2015**

Ram Mehar Singh and others

...Petitioners

Versus

Sanjiv Kaushal and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. J.S.Chahal, Advocate,
for the petitioners.

Mr. J.S.Bedi, Addl. A.G., Haryana.

Rakesh Kumar Jain, J.

This petition has been filed for punishing the respondents for willful disobedience of the order dated 01.03.2013 passed in CWP No.16183 of 2011. The operative part of the order dated 01.03.2013 reads as under:-

“In view of what has been discussed here-in-above, the petition is allowed. Impugned order dated 15.07.2004 passed by the Director, Consolidation Department, Haryana is set aside. The official respondent Nos.1 and 3 to 7 are directed to get the illegal encroachments removed, after following due procedure, in accordance with law within a period of three months after receipt of a certified copy of this order.”

The respondents have filed their reply by way of an affidavit of the Principal Secretary to Government of Haryana, Department of Public Works (Building & Roads), Chandigarh, who has made the following averments:-

“3. That the empowered revenue employees carried out the demarcation of the road land in Khasra no.113 on dated 03 June 2013 and found 19 persons as encroachers of the land. Some objections were raised by the villagers before the Deputy Commissioner, Panipat against this demarcation report. The Deputy Commissioner, Panipat constituted another committee and ordered fresh demarcation of the road land in Khasra No.113. This demarcation report dated 22 July 2013 found 36 villagers as encroachers of the road land. However, some people again raised objections against the demarcation report dated 22 July 2013. Thereafter the Deputy Commissioner, Panipat ordered fresh demarcation. The Sub Divisional Magistrate, Samalkha submitted another report on 25 September, 2013, stating that demarcation cannot be carried out due to the absence of some pucca nishan/pillar and the accumulation of deep water in the pond falling in the way of area to be demarcated. Thereafter, it was decided to get the demarcation carried out through the computerized Total Survey System and accordingly computerized Total Survey was utilized and demarcation report dated 12 February 2014 was submitted to the Sub Divisional Magistrate, Samalkha. This demarcation report made the things even more complicated as it reported that there is a difference of 48 feet on the northern corner of Khasra no.113 and it cannot be ascertained as to how much land/portion of the houses falls in the encroached area.

4. That the Revenue Authorities failed to find out the encroachers and actual encroachers even after conducting four different demarcations. Therefore, these demarcation report of the officers of Revenue Department remained inconclusive.

COCP No.680 of 2014

[3]

5. That the respondent no.3 brought these facts before the deponent on 25 April, 2014 through respondent no.2. The deponent sought some further record/clarifications from the respondent no.3 and passed a detailed speaking order dated 29 April, 2014 (copy Annexed as R-1) and directed the respondent No.3 to file a case under the Haryana Public Premises and Land (Eviction & Rent Recovery) Act, 1972 against all the unauthorized encroachers of the road land in Khasra No.113 before the competent forum/Court within a week.

6. That a case for removal of encroachments after following due procedure in accordance with law, as ordered by the Hon'ble Court, has been filed under the Haryana Public Premises and Land (Eviction & Rent Recovery) Act, 1972 against all the unauthorized encroachers of road land in Khasra No.113 by the respondent no.3 on 5 May 2014. Even thereafter deponent has been periodically reviewing the progress through the Engineer-in-Chief, Haryana PWD (B&R) and the Deputy Commissioner, Panipat.”

I am satisfied with the averments made here-in-above that the order passed by this Court has been duly complied with because sum and substance of the order is with regard to removal of illegal encroachments after following due procedure, in accordance with law, which has already been done by the respondents.

In view thereof, I do not find any merit in the present contempt petition and hence, the same is hereby dismissed.

Rule is discharged.

May 14, 2015
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(Rakesh Kumar Jain)
Judge