

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

COCP No.764 of 2014
Date of Decision: 03.03.2015

Sanjeev Pande and others

. . . .Petitioners

Versus

Parminder Singh Gill and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.KVS Kang, Advocate,
for the petitioners.

Mr.HPS Ghuman, Advocate,
for respondent No.1.

Mr.Rajesh Narang, Advocate,
for respondent No.2.

Mr.Anant Kataria, AAG, Punjab,
for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

The writ petition bearing CWP No.24271 of 2011 filed by the petitioners was disposed of on 24.7.2012 as having become infructuous because the statement was made by the State counsel that the Garden View Marriage Palace-16, Factory Area, Patiala has been closed. The owners of the marriage palace/respondent No.2 filed a writ petition bearing CWP No.2352 of 2013 in which she prayed for grant of 'Change of Land Use' (CLU). The said writ petition was disposed of on 8.10.2013 on the ground that her application would be considered by the Municipal Corporation, Patiala within 10 days, which was not disposed of. However,

respondent No.2 filed a suit for declaration and permanent injunction wherein it was alleged that since in the order passed by this Court on 8.10.2013, the jurisdiction of the Department of Industries and Commerce was impliedly ousted and it was observed that the jurisdiction would vest with the Municipal Corporation, Patiala to grant CLU, respondent No.2, allegedly, under *bona fide* belief that the order passed by this Court on 24.7.2012 was on a wrong statement made by the State Counsel, therefore, she can still seek a declaration from the Civil Court for her right to run the marriage palace and ask for injunction to restrain the present petitioners or anybody-else from interfering in their functioning. The trial Court dismissed the temporary injunction whereas the Appellate Court granted the same. Ultimately, the appeal was dismissed and the revision filed before this Court against the order of both the Courts below for not granting *ad interim* injunction was also dismissed. The petitioners, thus, filed the present contempt petition under Sections 10 & 12 of the Contempt of Courts Act, 1971 to initiate action against the respondents for violating the order dated 24.7.2012. The respondents have filed their replies and the petitioners have also filed rejoinder.

At the outset, learned counsel for respondent No.2 has candidly submitted that the suit was filed under wrong impression that since Department of Industries and Commerce had no control in the grant of CLU to her, therefore, the statement made by the State counsel on behalf of DIC, at the time when writ petition was filed by the petitioners was disposed of on 24.7.2012 was wrong. It is otherwise submitted that the marriage palace is lying closed and

would not be restarted until and unless the due permission or CLU is granted by the competent authority.

In view thereof, I do not find any reason to initiate any action against the respondents, more particularly against respondent No.2, at this stage provided they would file an undertaking before this Court by way of an affidavit within 15 days to the effect that they will not operate the marriage palace in question without due permission of the competent authority.

It is worthwhile to mention at this stage that CLU applied by respondent No.2 has already been declined by the competent authority much less the Municipal Corporation, Patiala on 17.10.2015.

Disposed of.

03.03.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**