

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

COCP No.869 of 2012
Date of Decision: 01.10.2015

Santokh Singh

. . . .Petitioner

Versus

Mohan Singh and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.B.D. Sharma, Advocate,
for the petitioner.

Mr.R.S. Athwal, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for the alleged willful disobedience of the order dated 8.4.2009, passed by the Divisional Commissioner, by which the respondents were restrained from raising construction over the Panchayat land.

It is submitted by learned counsel for the petitioner that the order of stay dated 28.4.2008 granted by the Deputy Director, Village Development and Panchayats-cum-Collector, Panchayat Lands, Jalandhar, was vacated by him on 22.10.2008 on the statement made by the respondents that the property in question was in dilapidated condition and with the help of the people, after demolishing langar hall, a new langar hall is being constructed. They have also stated that they would be ready to give in writing that neither any construction has been raised on the road of 25-30 feet in front of the gate of the petitioner nor

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authenticity of this document

they will raise any construction. On the said statement, the stay was vacated. Against the aforesaid order dated 22.10.2008, the petitioner filed an application before the Commissioner in which status quo was ordered to be maintained. The allegation of the petitioner is that the respondents have violated the order of status quo and raised some construction. The petitioner, thus, filed contempt petition before the Commissioner which was not entertained by him on the ground that the jurisdiction lies with the High Court to proceed under Sections 10 and 12 of the Contempt of Courts Act, 1971. Hence, the present petition has been filed.

Learned counsel for the respondents has disputed the averment made by the petitioner in regard to construction after the status quo order was passed. It is rather submitted that the construction has been raised before the status quo order was passed and no further construction was raised thereafter. It is further submitted that the main case has already been decided by the Collector against the petitioner, who has further filed an appeal before the Commissioner against that order.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that there is no evidence on record which could establish that the respondents have raised construction after the status quo order was passed. Moreover, the order against which the petitioner had filed appeal before the Divisional Commissioner, has already merged in the order passed by the Deputy Director, Village Development and Panchayats-cum-Collector, Panchayat Lands, Jalandhar, who

has dismissed the petition filed by the petitioner under Section 11 of the Punjab Village Common lands (Regulation) Act, 1961.

In view thereof, I do not find any merit in the present petition.

Dismissed.

01.10.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**