

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CACP No.14 of 2016

DATE OF DECISION: MAY 28, 2016

N.S. KANG AND OTHERS

...APPELLANTS

VERSUS

SUKHWINDER SINGH AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE RAJ MOHAN SINGH.**

1. Whether the judgement should be reported in the digest? Yes

PRESENT: MR. ASHOK AGGARWAL, ADVOCATE GENERAL, PUNJAB
WITH MR. VINOD S. BHARDWAJ, ADDL.A.G., PUNJAB
FOR THE APPELLANTS.

MR. PUNEET BALI, SR. ADVOCATE
WITH MR. VIBHAV JAIN AND MR. ARUN GUPTA, ADVOCATE
FOR THE RESPONDENTS.

M. JEYAPPAUL, J.

CM-8797-2016

1. This is an application seeking condonation of delay of 167 days
in filing the appeal.

2. Heard both the sides.

3. For the reasons set out therein, the application stands allowed
in the interest of justice.

CM-8798-2016

4. The application stands dismissed as infructuous as the main
appeal itself has been disposed of today.

CM-8799-2016

5. Heard both the sides.

6. Permission to place on record Annexures A-1 to A-23 and exemption from filing their certified copies are granted, in the interest of justice.

CACP-14-2016

7. This is an appeal under Section 19 of the Contempt of Courts Act, 1971 filed against the orders dated 7.10.2015 and 11.12.2015 in COCP No.2108 of 2015 and the order dated 1.4.2016 in CM-6066-67/CII-2016.

8. A *suo motu* proceeding by this Court was initiated in CWP No.1134 of 2004 titled as Court on its own motion vs. Col. B.S.Sandhu (Retd.) and others on the basis of the newspaper reports to the effect that large chunk of lands were being used for non-forest purposes and for establishing a golf club by Forest Hill Golf and Country Club in violation of the provisions of Forest (Conservation) Act, 1980 as well as Punjab Land Prohibition Act, 1900 (for short 'PLPA'). The said writ petition was disposed of on 12.10.2004 by this Court. It was held therein that the entire area in village Karoran was forest land in view of the notification issued under PLPA and that the construction of Forest Hill Golf and Country Club was in violation of the provisions contained therein. It was also directed that the constructions made therein should be demolished and restored as forest. Special Leave Petitions were filed before the Hon'ble Supreme Court by the owner/Managing Director of the said Country Club which were eventually numbered as Civil Appeals No.4682-4683 of 2005. The said SLPs were disposed of by the Hon'ble Supreme Court on 21.5.2014. During the pendency of those SLPs, the Gram Panchayat, Bari Karoran, respondents

herein filed Civil Writ Petition No.22756 of 2013. The Gram Panchayat in fact raised a challenge against the restrictions imposed on the use of land vide two notifications dated 13.8.2010. The proceedings of the above Civil Writ Petition No.22756 of 2013 remained pending awaiting the outcome of the SLPs filed before the Hon'ble Supreme Court. The Hon'ble Supreme Court finally decided the SLPs and directed this Court to examine the issue as regards the forest on the basis of the Government records. Thereafter, CWP No.22756 of 2013 filed by the Gram Panchayat, Bari Karoran was disposed of by this Court vide order dated 28.5.2014. On the basis of agreed terms between the parties, it was directed therein that the State Government shall proceed to identify the forest land in terms of the parameters laid down by the Hon'ble Supreme Court in Civil Appeals No.4682-4683 of 2005 titled as **B.S.Sandhu vs. Government India and others** decided on 21.5.2014. After disposing of the main writ petition, this Court listed the matter for compliance.

9. During the pendency of the matter for compliance, vide order dated 17.7.2014, this Court suggested the Financial Commissioner(Revenue) to appoint a team of Officers to carry out the task of identifying the forest land. On 21.7.2014, the Financial Commissioner (Revenue) undertook to constitute a team of Officers consisting of Director, Land Records and the District Revenue Officer, Ludhiana so as to identify the area and submit its report. The said Committee was to proceed in terms of the parameters laid down in the above judgement passed by the Hon'ble Supreme Court.

10. The Committee so constituted submitted a report based on the Government records including a satellite imagery dated 17.5.1981 that the

land located in village Karoran had 60.62% forest area. The above report was based on the data supplied by the Punjab Remote Sensing Centre (PRSC), Ludhiana which is a regional Centre of National Remote Sensing Agency (NRSA).

11. On 3.3.2015, when the matter came up for compliance, a report was submitted by the Committee. But the counsel for the respondents herein, on instructions, submitted that they had a grouse with regard to certain part of the report. They expressed their desire to challenge certain part of the report by taking appropriate recourse in accordance with law. Learned counsel appearing for the appellants herein raised no objection in that regard. In the above background, this Court observed in the order dated 3.3.2015, *“Since, the main writ petition has already been disposed of vide order dated 28.5.2014 and compliance report has already been submitted, no further action is required in the matter”*.

12. Tarsem Lal, respondent No.6 herein filed contempt petition (C) Nos.180-181/2015 in CA No.4799-4800/2005 against the 1st appellant herein and others before the Hon'ble Supreme Court. While dismissing the above contempt petitions, liberty was given to 6th respondent herein to work out any other remedy including the remedy before the High Court.

13. In COCP No.2108 of 2015 which was taken up alongwith two connected COCPs, the Hon'ble Court which dealt with the contempt observed vide its order dated 7.10.2015 that the plea of the appellants herein to declare some area as Forest land relying on some satellite imagery to proclaim 60% of the area as forest land has to be negated and rejected outrightly being totally vague and inconsistent with the judgements recorded

by the Hon'ble Supreme Court. It also made an observation that act of the appellants herein would be construed to be an attempted fraud on the orders of the Court intended to defeat what already stood concluded.

14. When the matter came up for hearing on 11.12.2015, the Hon'ble Court which dealt with the contempt proceedings having rejected the plea of the appellants herein that the Division Bench had already accepted the report submitted by the Committee as a measure of compliance of earlier orders noted that the Court had already passed various orders during the course of contempt proceedings that the stand of the appellants herein regarding the demarcation of the forest area on the basis of satellite imagery already stood negated by virtue of the detailed order passed on 7.10.2015. The Court also pointed out that there was a deep reluctance on the part of the appellants herein to adhere to the orders passed by the Division Bench of the writ Court. It also pointed out that the appellants had shown little inclination to display their *bona fides* in implementing the orders of the writ Court in all earnestness and in letter and spirit. The Court also rejected the submission made on the side of the appellants herein that the matter had been given a quietus by the Division Bench by accepting the report of the Committee based on the satellite imagery. Vide order dated 11.12.2015, rejecting the arguments submitted on the side of the appellants and the affidavits filed by them, the Hon'ble Contempt Court granted some time to the counsel for the appellants seeking relevant instructions regarding compliance of the orders passed by the writ Court.

15. The appellants herein in fact preferred an appeal in CACP No.9 of 2015 before the Bench of this Court challenging the above orders passed

by the Hon'ble Contempt Court on 7.10.2015 and 11.12.2015. As the learned counsel appearing for the appellants herein expressed his desire to withdraw the said appeal, it was dismissed as withdrawn on 21.12.2015 at that stage. Again the appellants preferred an appeal in CACP No.5 of 2016 challenging the very same orders passed by the Hon'ble Contempt Court on 7.10.2015 and 11.12.2015. The Hon'ble Bench of this Court dismissed the above CACP No.5 of 2016 observing that the appellants could not be allowed to agitate the matter once again inasmuch as the earlier appeal challenging the correctness of the very same orders was dismissed as withdrawn, more especially when there was no further consequential orders passed by the Hon'ble Contempt Court. At any rate, the Bench of this Court while disposing of CACP No.5 of 2016 granted liberty to the parties to file an application for clarification/modification of the orders passed in contempt proceedings and made further observation that the situation obtaining in the contempt petition is of the making of the appellants and the State of Punjab.

16. The appellants filed CM No.6066-67-CII of 2016 before the Contempt Court seeking modification/clarification of the orders passed by it on 7.10.2015 and 11.12.2015. When the said miscellaneous applications came up for hearing before the Contempt Court, the Contempt Court took very serious objections to filing of such applications seeking virtually a review of number of orders already passed by it in the garb of modification/clarification of those orders. It was held that there was no scope for any clarification/modification of the orders passed by it. There had been reluctance on the part of the appellants in determining the forest area on the basis of Government of India records. It made an observation that such

applications could, at best, be termed as stubborn attempt of the officers to send a distinct message to the Court that they did not intend to comply with the orders passed by this Court on earlier occasions and would rather go to any extent to defy compliance. Having held that no further clarification was required, it issued notice to Sh.Vishavjeet Khanna who had filed those applications with supporting affidavits to show cause as to why contempt proceedings be not initiated against him. Ultimately, the said applications filed for clarification/modification were dismissed.

17. The appellants have now challenged in the present appeal the orders dated 7.10.2015 and 11.12.2015 passed earlier and the order dated 1.4.2016 passed in CM-6066-67-CII of 2016 in COCP No.2108 of 2015.

18. Learned Advocate General, Punjab appearing for the appellants vehemently submitted that the Division Bench which dealt with the writ petition approved the Committee constituted by the Financial Commissioner (Revenue). The Committee also submitted its report and the same was accepted by the Division Bench. The Division Bench also made a remark that no further action was required. Under such circumstances, no contempt proceedings would lie for non-compliance of the directions issued by the Division Bench. It is his further submission that satellite imagery is also part of the Government record. Therefore, there was nothing wrong on the part of the Committee constituted to identify forest and non-forest area to rely upon satellite imagery as well. In the guise of interim orders, final directions have been issued by the writ Court with unwarranted observations. The writ Court is not competent to pass uncharitable remarks during the course of hearing the contempt petition before it was finally determined. He

vehemently submitted that the appellants filed applications in CM-6066-67-CII of 2016 in COCP No.2108 of 2015 only for clarification/modification in the aftermath of liberty given to the appellants by the Division Bench.

19. Learned senior counsel Sh.Puneet Bali appearing for the respondents submitted that non-compliance of the directions issued in the writ petition has given rise to the contempt proceedings. Compliance report as sought for was submitted. Therefore, the Division Bench made an observation that no further action was required. At the same time, the Division Bench had given liberty to the respondents to challenge the report submitted by the Committee by taking appropriate recourse in accordance with law. Learned senior counsel further submitted that the Division Bench while dismissing the main writ petition on 28.5.2014 based on the consensus expressed by the parties made it clear that the State Government shall proceed to identify the forest land only in terms of the parameters laid down by the Hon'ble Supreme Court in Civil Appeals No.4682-4683 of 2015 titled as **B.S.Sandhu vs. Government of India and others**, decided on 21.5.2014 Referring specially to the orders passed in Civil Appeals, it is his submission that the forest/non-forest area has to be determined by the State as on 25.10.1980, the date from which the Forest (Conservation) Act, 1980 was enforced based on the Government records. But unfortunately, the Committee has phenomenally relied upon the satellite imagery allegedly taken on 17.5.1981 beyond the cut-off date fixed by the Hon'ble Supreme Court. It is submitted that the stand taken by the Government based on the above report submitted by the Committee is against the spirit of the direction issued by the Hon'ble Supreme Court. The Court can issue any further

directions in contempt proceedings as per the dictum of the Hon'ble Supreme Court . It is his further submission that the appellants have no right to challenge the earlier orders dated 7.10.2015 and 11.12.2015, inasmuch as those two orders had already been challenged twice before the Division Benches. It was lastly submitted that the contempt Court had to make such observations as there was contumacious attitude on the part of the appellants in defying compliance.

20. The following points for determination have arisen in the appeal:-

- i) Whether contempt would lie in the face of the orders passed by the Hon'ble Division Bench on 3.3.2015 on receipt of compliance report.
- ii) Whether the Committee's report based on satellite imagery can be accepted as a final verdict on the demarcation of forest/non-forest area.
- iii) Whether interim orders with such directions and observations could be made by contempt Court.
- iv) Whether the orders dated 7.10.2015 and 11.12.2015 could be lawfully challenged in this appeal.
- v) Whether the orders passed by the contempt Court on 7.10.2015 and 11.12.2015 call for any clarification/modification.
- vi) Whether the order dated 1.4.2016 passed by the Contempt Court is sustainable.
- vii) Whether the issuance of show cause notice against

Sh.Vishavjeet Khanna for filing the applications for clarification/modification is proper.

21. Let us first take up the fundamental issue as to whether contempt proceedings would lie in the face of the orders passed by the Division Bench on 3.3.2015. Let us go back to the main order passed by the Division Bench on 28.5.2014 while disposing of the main writ petition itself. CWP No.22756 of 2013 was in fact disposed of by the Division Bench of this Court only on the agreed terms expressed by the parties. It was made clear in the final order passed by the Court on 28.5.2014 that the State Government shall proceed to identify the forest land in terms of the parameters laid down by the Hon'ble Supreme Court in Civil Appeals No.4682-4683 of 2005, titled as **B.S.Sandhu vs. Government of India and others**, decided on 21.5.2014. In the above Civil Appeals, the Hon'ble Supreme Court has categorically directed that the State shall determine the forest area as on 25.10.1980, the date from which the Forest (Conservation) Act, 1980 was enforced. The matter was thereafter posted for compliance.

22. When the matter came up for hearing on 3.3.2015 before the Bench for compliance, report was submitted by the Committee based on the satellite imagery dated 17.5.1981. The respondents strongly objected to the Report and expressed their grouse with respect to the above part of the report. They in fact reserved their right with no objection from the appellants herein to take appropriate recourse in accordance with law. On 3.3.2015, the Division Bench has simply recorded that compliance report was filed and therefore, no further action was required in the matter. Further, it was found that 6th respondent herein had in fact filed contempt petition

before Hon'ble Supreme Court. By virtue of the order dated 24.4.2015, the Hon'ble Supreme Court had made an observation that it was open to the 6th respondent to work out any other remedy including the remedy before the High Court.

23. The moment the following order was passed on 28.5.2014 disposing of the writ petition with certain directions, the aggrieved party has every right to knock at the doors of the Contempt Court for non-compliance of any such directions. Further, the respondents have reserved their right to challenge the report submitted by the Committee against the spirit of the parameters laid down by the Hon'ble Supreme Court and the directions issued by this Court. The report was taken on file by the Division Bench on 3.3.2015 only subject to such a right of challenge granted to the respondents herein. In fact, the respondents had been given the right to challenge the report by taking appropriate recourse. The Hon'ble Supreme Court had also given a liberty to approach the Hon'ble High Court to avail the remedy available to them. Therefore, the observation made by the Bench of this Court on 3.3.2015 that “*compliance report has already been submitted, no further action is required in the matter*” does not rob the right of the respondents to file contempt petition for non-compliance of the directions issued in the final order launching attack on the tenor of the report filed by the Committee against the spirit of the direction issued by the Hon'ble Supreme Court and this Court. Therefore, we do not find any merit in the elaborate submissions made by learned Advocate General, Punjab that no contempt proceedings could be initiated in the face of the compliance report submitted and the observation made by the Division Bench that no further

action was required in the matter.

24. Let us now take up the next issue regarding the report submitted by the Committee based on satellite imagery. The Hon'ble Supreme Court in the above Civil Appeals have categorically held in the light of the decision in **T.N. Godavarman Thirumulkpad vs. Union of India and others**, WP(C) No.202 of 1995 pronounced on 12.12.1996 the factual question as to whether the subject land is a forest area or non-forest area should be decided on the basis of Government of India records as on 25.10.1980. While disposing of the writ petition in CWP No.22756 of 2013 on 28.5.2014, this Court also based on the agreed terms of the parties directed the State Government to identify the forest land in terms of the parameters laid down by the Hon'ble Supreme Court in the above case.

25. The fact remains that the Committee constituted by the Financial Commissioner (Revenue) at the blessings of this Court submitted a report demarcating the forest land and non-forest land largely based on satellite imagery which was taken on 17.5.1981 well beyond the above cut-off date fixed by Hon'ble Supreme Court and adopted by this Court.

26. Satellite imagery kept on record by the Government may fall under the category of Government record. But satellite imagery would never reflect the exact ground reality. A presumptive outcome from the satellite imagery will not solve the issue arising in this case. Further the satellite imagery which was allegedly taken on 17.5.1981 should not have been taken as a conclusive proof, in the absence of other relevant Government records to demarcate forest and non-forest area as on 25.10.1980, the date from which the Forest (Conservation) Act, 1980 was enforced. Reliance placed

upon by the Committee to demarcate the area as forest/non-forest area based on the satellite imagery which was allegedly taken on 17.5.1981 is totally against the dictum of the Hon'ble Supreme Court and the directions issued based thereupon by this Court. The State should come out with concrete Government records available as on 25.10.1980 to demarcate with precision the forest/non-forest area. Therefore, the demarcation made by the Committee based on satellite imagery was rightly rejected by the Contempt Court.

27. Let us now deal with the maintainability of the interim directions issued raised by the appellants. The ambit and power of the contempt Court have been succinctly described by the Hon'ble Supreme Court in **Delhi Development Authority vs. Skipper Construction Co. (P) Ltd. and another, (1996) 4 SCC 622:-**

*“ 17. The principle that a contemner ought not be permitted to enjoy and/or keep the fruits of his contempt is well settled. In Mohd. Idris v. Rustam Jehangir Babuji this Court held clearly that **undergoing the punishment for contempt does not mean that the court is not entitled to give appropriate directions for remedying and rectifying the things done in violation of its orders.** The petitioners therein had given a undertaking to the Bombay High Court. They acted in breach of it. A learned Single Judge held them guilty of contempt and imposed a sentence of one month's imprisonment. In addition thereto, the learned Single Judge made appropriate directions to remedy the breach of undertaking. It was contended before this Court that*

the learned Judge was not justified in giving the aforesaid directions in addition to punishing the petitioners for contempt of court. The argument was rejected holding that “the Single Judge was quite right in giving appropriate directions close to the breach (of undertaking)”.

28. The contemnors cannot validly contend that the main petition for contempt be taken up and finally determined without resorting to remedial measures for rectifying non-compliance. The contempt Court is competent to pass appropriate directions even when the contempt petition is pending to remedy the grievance of the aggrieved party. Further on a careful perusal of the various orders passed by the Contempt Court on 7.10.2015 and 11.12.2015, we find that the Contempt Court has made observations and issued necessary directions only in the hope of remedying the situation in terms of the directions issued by the Division Bench while disposing of the main writ petition. In fact, the appellants have exposed themselves and invited such valid criticism on account of their contumacious conduct in sticking to their original position and not showing any inclination to comply with the directions of the Court. Therefore, we do not find any merit in the submission made by learned Advocate General, Punjab for the appellants that the Contempt Court has no authority to pass interim directions in the shape of final orders.

29. Let us now deal with the maintainability of this appeal challenging the orders passed by the contempt Court on 7.10.2015 and 11.12.2015. At the risk of repetition, we may point out that the above two orders were in fact challenged before the Division Bench in CACP No.9 of

2015. On 21.12.2015, the Division Bench dismissed the above appeal as withdrawn “at this stage”. It is to be noted that there was no liberty sought for by the appellants nor was granted by the Court to come up with any fresh appeal on the same cause of action. Therefore, the phrase “*at this stage*” employed by the Division Bench in its order dated 21.12.2015 is quite inconsequential.

30. The appellants have again challenged the very same orders before the Bench in CACP No.5 of 2016. The Division Bench which took up the above appeal on 11.2.2016 categorically held that the appellants cannot agitate once again the above orders passed, as challenge to those orders made earlier had been dismissed as withdrawn.

31. In view of the above, we are of the considered view that the appellants who were not granted any liberty to prefer appeals on the same cause of action are not at all entitled to challenge the very same orders before this Court in the present appeal. At any rate, without standing on such technicalities, we have in fact embarked upon the exercise of testing the propriety of the above orders dated 7.10.2015 and 11.12.2015 passed by the contempt Court.

32. Let us now take up the issue whether the orders dated 7.10.2015 and 11.12.2015 call for any clarification/modification. The Hon'ble Supreme Court has categorically directed that demarcation of forest/non-forest land shall be done only based on the Government records available as on 25.10.1980. This Court also while disposing of the main writ petition on 28.5.2015 directed the State Government to identify forest land only in terms of the parameters laid down by the Hon'ble Supreme Court. Therefore, in

our view, the Contempt Court has rightly insisted that demarcation of the forest land/non-forest land shall be made only on the basis of the Government records available as on 25.10.1980. It also rightly rejected the report submitted by the Committee placing heavy reliance upon the satellite imagery taken subsequent to the cut-off date.

33. The contempt Court has, time and again, directed the State to identify the forest land only in terms of the directions issued by the writ Court. As the orders passed by the Contempt Court were unambiguous, the question of clarification/modification of those orders does not arise for consideration. The contempt Court had been reminding the appellants that satellite imagery cannot be a basis for concluding the demarcation of forest land, as it was against the spirit of the decision of the Hon'ble Supreme Court and the directions issued by the Division Bench of this Court. Ultimately, the Contempt Court negated and rejected outrightly the decision arrived at by the Committee as regards the demarcation of forest land based on satellite imagery. Finding that the directions passed by the Contempt Court were not properly received and responded, the Contempt Court had to make an observation that *“any insistence on this would be construed to be an attempted fraud on the orders of the Court intended to defeat what already stands concluded”*. As the above comment has been made by the Contempt Court only in tune with the context warranted, we do not find any impropriety in such a comment.

34. On 11.12.2015, the appellants have started questioning the very jurisdiction of the Contempt Court referring to the orders passed by the Division Bench on 3.3.2015. The Court found that there was virtually no

inclination on the part of the appellants to demonstrate their *bona fides* in implementation of the orders of the writ Court. The appellants again took up the stand that Division Bench had already given a quietus and accepted the report of the Committee based on the satellite imagery. Therefore, the Contempt Court was constrained to make an observation that the appellants were in fact compelling the Court to veer around to the view that the respondents were required to be proceeded against under the Contempt of Courts Act by holding them guilty of it. The above observation has been made by the Contempt Court in the face of the above unsustainable pleas put forth repeatedly by the appellants. Therefore, in our considered view, the contempt Court has rightly rejected the plea for clarification/modification of the orders on 7.10.2015 and 11.12.2015.

35. Let us now take up the impugned order passed on 1.4.2016 in the applications moved by the appellants seeking clarification/modification. In the guise of seeking clarification, the appellants have repeatedly called upon the Court to answer the query which was answered time and again by the Contempt Court. The Contempt Court had already made it clear that the respondents were well within their right to approach the Contempt Court for non-compliance of the final orders passed in the main writ petition. The Contempt Court also referred to the liberty granted to the respondents to challenge the Committee report and the option given to the respondents by the Hon'ble Supreme Court to seek remedy available in the High Court. The Contempt Court also in unambiguous terms made it clear that the satellite imagery taken on 17.5.1981 cannot be relied upon by the Committee against the spirit of the parameters laid down by the Hon'ble Supreme Court and the

directions issued by this Court. But these issues determined by the Contempt Court without any sort of ambiguity were sought to be clarified by the appellants. Further, the Contempt Court was informed by the appellants without any mercy for the common cause that so long as the issue with respect to forest land was not settled, the developmental activities could not be initiated. They had also exhibited reluctance in identification of the forest land based on the Government records. Further, an incongruous plea was made that budgetary allocation for development also had been made. In the above context, the contempt Court is well within its ambit and jurisdiction to make a comment that dishonesty of the State was reflected in the above contradictory stand taken by it. The Contempt Court in the larger interest of the public was bent upon issuing suitable directions to comply with the mandates of the writ Court. Even when there was no ambiguity in the directions issued, the appellants have come forward with an application for clarification. Therefore, we are of the considered view that the decision taken by the Contempt Court that no clarification or modification was warranted is perfectly in order.

36. A show cause notice was issued to Sh.Vishavjeet Khanna who filed the applications seeking clarification/modification with supporting affidavits to explain as to why contempt proceedings be not issued as against him. The Contempt Court chose to issue such a show cause notice as Sh.Vishavjeet Khanna has virtually sought for review of the orders passed by it on 7.10.2015 and 11.12.2015 in the guise of clarification/modification sought in terms of the permission granted by the Division Bench.

Modification/Clarification of an order is totally different from the purview of

review. If there is lack of lucidity or the order smacks of obscurity, clarification of the order would arise. If the order passed is unworkable or inexecutable, modification of the order can be sought by the litigant concerned. But in a case of review, the entire order passed by the Court will have to be subjected to judicial reexamination or critical reevaluation or scholarly reappraisal or fair reconsideration. On a perusal of the order passed by the Bench in CACP No.5 of 2016 on 11.2.2016, it is found that the appellants have been given just a liberty to seek clarification/modification of the orders passed by the Contempt Court on 7.10.2015 and 11.12.2015. In other words, no liberty was granted to the appellants to seek for review of the orders. But unfortunately, the appellants having totally ignored the limited liberty given for modification/clarification, have chosen to seek for review of the orders passed by the Contempt Court on 7.10.2015 and 11.12.2015 in the guise of seeking modification/clarification. Therefore, in our considered view, the show cause notice issued to Sh.Vishavjeet Khanna for proposed contempt cannot be faulted.

37. The respondents have rightly approached the Contempt Court for non-compliance of the orders passed by the writ Court on 28.5.2014. The State shall identify the forest land based on the Government records maintained as on 25.10.1980, the date from which the Forest (Conservation) Act, 1980 was enforced as expeditiously as possible. While undertaking such an exercise, the State shall not rely upon the satellite imagery that was taken on 17.5.1981 which is beyond the cut-off date fixed by the Hon'ble Supreme Court. In other words, the satellite imagery taken on 17.5.1981 be eschewed from the purview of identification of the forest land. The

appellants shall not rake-up these issues time and again before the Contempt Court.

38. In the above facts and circumstances, we find that there is no merit in the appeal and therefore, it stands dismissed.

(M. JEYAPPAUL)
JUDGE

May 28, 2016
Gulati

(RAJ MOHAN SINGH)
JUDGE