

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

COCP No.174 of 2014
Date of Decision:-11.11.2016

Dhanpat Singh

..... Petitioner

Vs.

N.K. Solanki and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Ashwani Bura, Advocate,
for the petitioner.

Mr.P.P. Chahar, DAG, Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

Learned counsel for the petitioner, *inter alia*, contends that the Gram Panchayat had filed an application under Section 7(2) of the Punjab Village Common Lands (Regulation) Act, 1961 for seeking eviction of unauthorized occupants from the Panchayat land which was allowed by the Assistant Collector, Ist Grade, Guhla on 29.5.2006. After the ejectment order was passed, an application for execution was filed, which was allowed on 21.3.2012 in which it was observed that “*but the penalty amount which was imposed upon the respondent vide order dated 14.11.2006, was not deposited by the respondent. It is again ordered to the Block Development and Panchayat Officer, Guhla that he may recover the penalty amount within a period of two months and deposit the penalty amount in the Panchayat fund*”.

The petitioner had to approach this Court by way of CWP No.8468 of 2003 in which he had prayed for the writ of mandamus seeking direction to the Block Development and Panchayat Officer, Guhla to recover penalty imposed upon respondents No.6 to 14 therein. The writ petition was disposed of by this Court with the direction to the Block Development and Panchayat Officer, Guhla to take appropriate steps, in accordance with law, to recover the penalty as arrears of land revenue. Even the order passed by the Court dated 23.4.2013 was not complied with by the Block Development and Panchayat Officer, Guhla, as a result thereof, the petitioner has to file the present contempt petition in which at one point of time because of non-filing of status report by the Deputy Commissioner, Kaithal cost was imposed to the tune of ₹2500/- by this Court. In the latest affidavit filed by the Deputy Commissioner, Kaithal dated 16.5.2016, it is submitted that the recovery of penalty has been made by respondents No.4 to 12 but since there was no provision for recovery of interest, therefore, it has not been recovered.

Learned counsel for the petitioner has argued that no steps have been taken against the Block Development and Panchayat Officer, Guhla by the Deputy Commissioner, Kaithal for not complying with the order passed by this Court within the prescribed time and he had to run from pillar to post for the execution of the order passed by the Assistant Collector, Ist Grade, Guhla dated 29.5.2006, inasmuch as, not only he had to file an application for execution but also a writ petition in this Court incurring unnecessary expenses and at last this contempt petition. He has thus prayed that he may be suitably compensated by the respondents.

Learned counsel for the State has failed to give any satisfactory

Guhla and also the Deputy Commissioner, Kaithal as to why he has not taken any action against the Block Development and Panchayat Officer, Guhla and other officers for the dereliction in their duties in regard to execution of the order passed by the Assistant Collector, Ist Grade, Guhla dated 29.5.2006.

After hearing learned counsel for the parties and taking into consideration the facts and circumstances emanating from the record, I am of the considered opinion that the petitioner deserves to be compensated by way of cost for being compelled to file one petition after the other for seeking eviction of the unauthorized occupants from the Panchayat land and in this process he must have incurred expenses for filing the petition and engaging Advocate on his behalf.

Consequently, the present petition is hereby disposed of as the penalty has been recovered fully though in the year 2016 but with cost of ₹50,000/- which shall be paid by the respondents, to be equally shared by them and the Deputy Commissioner, Kaithal is directed to take suitable action against the officers, who have been remiss in the performance of their duties in the execution of the order passed by the Assistant Collector, Ist Grade, Guhla dated 29.5.2006.

(RAKESH KUMAR JAIN)
JUDGE

11.11.2016
Vivek

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No