

COCN No. 667 of 2013

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCN No. 667 of 2013

Date of Decision: August 02, 2016

Ilamdeen & others

...Petitioners

Versus

Ashok Sangwan & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

Present: Mr. Ravindra Jain, Advocate
for the petitioners.

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Arvind Singh, Advocate
for respondent No.4.

AUGUSTINE GEORGE MASHI, J. (Oral):

In the present contempt petition, violation of the order dated 17.07.2006 passed in CWP No.4910 of 2004, titled as 'Munshi & others Vs. State of Haryana & others', has been alleged on the ground that the possession of the land was taken by the Gram Panchayat, which is in violation of the order passed by the Division Bench of this Court, wherein, parties were directed to maintain the status quo as it existed on 17.07.2006.

In the reply which has been filed by the respondents, it has categorically been stated that the petition under Section 13-A of the Punjab Land Common Land (Regulations) Act, 1961, was dismissed in default by the Collector on 08.10.2007. Thereafter, an application for restoration was filed in the year 2012, which was also dismissed on 19.12.2012. With the

dismissal of the petition which was pending on the date when the order dated 17.07.2006 was passed by the Division Bench of this Court in CWP No.4910 of 2004, the status quo as existed on the said date would cease to operate as no further appeal was filed nor any stay was granted pertaining to the said land. On this basis, the counsel for the respondents submits that no contempt is made out against the respondents.

Considering the submissions made by the counsel for the parties, I am in agreement with the contentions of the counsel for the respondents that the present contempt petition would not survive nor would it be a contempt as on the day when the possession was taken, there was no petition under Section 13-A pending before the Collector.

The contempt petition, therefore, stands dismissed.

Rule issued against the respondents stands discharged.

August 02, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No