

Sr. No. 219

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

**COCp No. 988 of 2015(O&M)
Date of decision:21.07.2016**

Prabhu Dyal Sharma

.....Petitioner

versus

Harjit Singh Sandhu and another

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Hitesh Mittal, Advocate for
Mr. Amaninder Preet, Advocate
for the petitioner.

Mr. Ashok Bazaz, Advocate
for the respondents.

Rakesh Kumar Jain, J.(Oral)

This order is filed for the alleged disobedience of the orders passed in CWP No. 14326 of 2010 dated 12.08.2010 and CWP No. 26037 of 2014 dated 22.12.2014.

In view of the order dated 12.08.2010 passed in CWP No. 14326 of 2010, a direction was issued to respondent No. 3(Municipal Council, Kot kapura) to put up the petitioners' claim for allotment of alternate sites before the House of the Municipal Council, which shall then take an appropriate decision in accordance with the Government Policy/Municipal bye-laws.

Counsel for the respondent has submitted that the resolution dated 16.12.2014 has already been passed by the Municipal Council, Kot

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kapura deciding that the land cannot be allotted to the petitioner being unauthorised vendor.

In so far as the order dated 22.12.2014 passed in CWP No. 26037 of 2014 is concerned, the said writ petition was dismissed by this Court on 17.07.2015 by passing the following orders:-

“Petitioners were running their business of karyana goods and general merchandise from khokhas/small shops situated on Jaitu Road, Kotkapura, District Faridkot approached this Court seeking a writ of certiorari for quashing the auction notice dated 23.12.2014 issued by the Improvement Trust, Kotkapura(P-2) for holding the open auction of shop-cum-offices and booths on Jaitu Road, Kotkapura. Further prayer was to restrain the respondents from illegally and forcible dislocating the petitioners from the site from where they are carrying on the business.

Vide order dated 18.12.2014 notice of motion was issued.

At the time of hearing today, the learned counsel for the petitioners states that the present writ petition has become infructuous as the shops/khokhas of petitioners have been removed being encroachment. The statement made by the learned counsel for the petitioners is corroborated by the counsel for the improvement Trust, kotkapura.

In view of the statement made by the counsel for the parties, the present writ petition is dismissed having become infructuous.”

In view of the above, I do not find any reason to continue with this contempt petition as no cause of action survives with the petitioner.

Hence the present petition is hereby dismissed.

Rule discharged.

21st July, 2016

Shivani Kaushik

[Rakesh Kumar Jain]
Judge