IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 944 of 2014 (O&M)
Date of Decision: October 19, 2016

Brij Bhushan & another

...Petitioners

Versus

Shiv Charan Attri & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. B.S. Mittal, Advocate
for the petitioners.

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

Mr. V.B. Aggarwal, Advocate
for respondents No.5 to 15.

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AUGUSTINE GEORGE MASIH, J. (Oral):

CM No.16276-CII of 2016

Additional affidavit of petitioner No.1 is taken on record, subject to all just exceptions.

Application stands disposed of.

COCP No. 944 of 2014

Petitioners have approached this Court alleging non-compliance of the order passed by this Court. On 11.02.2016 when the case was taken up for hearing, following order was passed:-

> "The direction of the writ court was specific regarding action to be taken against any of the parties to cultivate the land which was subjected to proceedings under

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Sections 145 and 146 Cr.P.C. The petitioners allege violation of the order at the hands of private respondents.

Reply has been filed on behalf of the respondents. Respondent No.1 has categorically stated in his affidavit that FIR No.203 dated 18.6.2014 under Sections 447/186/34 IPC has been registered at Police Station Bhattu Kalan against various persons including the Sarpanch and Ex-Sarpanch. Report under Section 173 Cr.P.C. has also been submitted to the Court.

If that is so, then I am of the considered view that there has been sufficient compliance. No counter affidavit has been filed even though a vague affidavit has been filed regarding violations still being carried out.

Learned counsel for the petitioners prays for time to file a better affidavit.

Adjourned to 22.8.2016."

In compliance thereto, an additional affidavit of petitioner No.1 has been filed. As per the said affidavit, although it has been admitted that the action has been taken in FIR No.203 dated 18.06.2014 and FIR No.227 dated 18.07.2014 but no action has been taken on the construction of the shed on 02.07.2015 as well as on the report of the Tehsildar dated 03.07.2015 (Annexure P-5).

This contention of the counsel for the petitioners as per the affidavit dated 16.08.2016 filed by petitioner No.1 is contradicted. It has been stated that FIR No.295 dated 22.08.2015 has been registered in which challan has been presented. The prosecution evidence has also been concluded in the trial and the same is now fixed for 10.11.2016 for recording the statements of defence witnesses.

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In view of the above, this Court is of the considered view that the order passed by this Court has been duly complied with.

At this stage, counsel for the petitioners states that further construction is being carried out by some persons of Gaushala Committee for which he had approached the Superintendent of Police, Fatehabad, but no action has been taken. Counsel for the petitioners is, however, not in a position to show any documentary evidence that the petitioners had filed any application/ complaint before the Superintendent of Police, Fatehabad. Let the petitioners approach the Superintendent of Police, Fatehabad, through a written complaint which shall be looked into by the Competent Authority and decision taken within three months from the date of submission of complaint/representation. Further, if the petitioners are not satisfied with the action of the Superintendent of Police, Fatehabad, they may avail of their remedy in accordance with law.

The contempt petition stands disposed of in view of the above observations.

Rule issued to the respondents stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

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