

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

**COCP No. 1026 of 2016
Date of Decision:- 19.01.2017**

Ramdut and others

....Petitioners

VS.

Vikas Gupta and others

....Respondents

COCP No. 2434 of 2016

Paltu Ram

....Petitioner

VS.

Vikas Gupta and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sanchit Punia, Advocate,
for the petitioners in COCP No. 1026 of 2016.

Mr. Arun Yadav, Advocate,
for the petitioner in COCP No. 2434 of 2016.

Mr. Akhilesh Vyas, Advocate,
for respondent No.1 in COCP No. 1026 of 2016.

Mr. Surinder K. Mahajan, Advocate,
for respondent No. 1 in COCP No. 2434 of 2016.

Mr. Rajesh K. Sheoran, Addl.A.G., Haryana,
for respondents No. 2 and 3.

DAYA CHAUDHARY, J. (Oral)

By this order of mine, two contempt petitions bearing COCP
Nos. 1026 of 2016 and 2434 of 2016 are being disposed of as the same
were filed for non-compliance of order passed by this Court on 23.3.2015 in

CWP Nos. 12591 of 2014 and 1581 of 2015. Said writ petitions were disposed of with a direction to file detailed and comprehensive representation raising all pleas before the appropriate authority. The respondents were directed to consider/decide the same in accordance with law by passing a speaking order after affording an opportunity of hearing to the petitioners, within a period of four months from the date of receipt of the representation. Said order was conveyed but no compliance has been made in spite of making other representations by the petitioners on 21.5.2015 and 5.5.2015. Said representations were sent through registered post, receipts thereof have also been annexed with the petition as Annexures P-3 and P-4. When order passed by this Court was not complied with, the present contempt petitions have been filed wherein notice of motion was issued on 2.5.2016 and 3.10.2016.

In response to notice of motion, a short reply has been filed wherein simply it has been mentioned that order has been complied with and a speaking order has been passed.

Learned counsel for the petitioners submit that the claim of the petitioners was to be considered within a period of four months from the date of receipt of copy of the representation but the order has been passed after a delay of approximately one year. Due to not taking any action by the respondents, the petitioners had to file the present contempt petitions for non-compliance of the order which has burdened them with unnecessary expenses to be incurred by the petitioners.

Learned counsel for the respondents-State submits that delay has caused as on two occasions the petitioners were informed to appear but

they did not appear.

No doubt, the delay has occurred in compliance of the order passed by this Court. In case any delay was there, even on the part of the petitioners because of non-appearance, the respondents could have filed application for extension of time but no such action has been taken. Moreover, the contempt proceedings are between Court and the Authorities to whom the directions were issued. The order has been passed after a long delay and petitioners are at liberty to challenge the same. However, keeping in view the delay which has been caused by the respondents in passing of the order, a sum of ₹ 25,000/- as costs is imposed upon the respondents for non-compliance of the order within the stipulated period. The amount of cost shall be paid to the petitioners by way of draft, which shall be shared equally in both the petitions, within a period of one month from the date of receipt of copy of the order. However, the respondents are also directed to be careful in future.

The contempt petitions stand disposed of.

January 19, 2017
poonam

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes