

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

COCN No.1225 of 2016

Date of decision: June 06, 2017

Bimla Devi and another

...Petitioners

Versus

Ashok Singh Jonpuria

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vikas Sonak, Advocate for
Mr. Ashish Yadav, Advocate for the petitioners.
Ms. Niharika Sharma, Advocate for
Mr. Aashish Chopra, Advocate for the respondent.

Rajan Gupta, J.

Present petition has been filed by the petitioners, alleging that respondents have violated order passed by the Financial Commissioner, directing the parties to maintain status quo during pendency of the petition.

It has been urged before the court that cognizance of the contempt committed by the respondent needs to be taken as he has failed to abide by the orders passed by the Financial Commissioner, Haryana. Reliance has been placed on judgment reported as *K. Shamrao and others Vs. Assistant Charity Commissioner, AIR 2003 Supreme Court 1828*, to contend that this court has the power to initiate contempt proceedings for violation of order passed by an authority, over which this court has superintendence and control.

Prayer has been opposed by learned counsel for the respondent. According to him, the Financial Commissioner is still seized of the matter. Petitioner has wrongly invoked jurisdiction of this court.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, petitioner has a grievance against sanction of *Naksha 'Be'* and consequent proceedings by Assistant Collector 1st Grade, Manesar in favour of the respondent. Aggrieved by said order, petitioners exhausted their remedies of appeal etc. The Commissioner, Gurgaon accepted the plea of the petitioners. Thereafter, revision was preferred by the respondent before Financial Commissioner, Haryana, wherein he directed maintaining of status quo till further orders. Petitioners allege that respondent has acted in violation of the status quo order.

On due consideration of the matter, I am of the view that no case is made out for invoking the contempt jurisdiction of this court. There can be no dispute with the proposition of law laid down in *Shamrao's case (supra)*. This court undoubtedly has powers of superintendence and control over any authority, which has trappings of judicial tribunal and is capable of giving a definitive judgment. In case this court finds that any order has been passed in violation of law, this court can correct the same in exercise of its powers under Article 227 of the Constitution. However, such is not the issue in the instant case. The revision petition preferred by the respondent is still pending before the Financial Commissioner. Grievance, if any, can be raised before the same authority by moving appropriate application. It is inexplicable why petitioner has chosen to invoke contempt

jurisdiction of this court straightaway. I feel that the petition is without any merit. Same is hereby dismissed.

(RAJAN GUPTA)
JUDGE

June 06, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No