

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCF No.1384 of 2015

Date of Decision:-30.01.2017

Dharam Pal.

.....Petitioner.

Versus

Harbansh Singh Sekhon.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Jai Bhagwan, Advocate for the Petitioner.

Mr. Kanwal Goyal, Advocate for the respondent.

JASWANT SINGH, J.(ORAL)

Petitioner has filed this contempt petition under Section 12 of the Contempt of Court Act against the respondent for not complying with the order dated 19th of January 2015 passed by this court in CWP No. 823 of 2015 thereby directing the respondent to consider and decide the legal notice dated 24th of September 2014 served by petitioner regarding non-issuance of a search warrant for recovery of record relating to the village Rampur Channa for the period of 26th of June 1997 to 25th of June 2000 which was alleged to be in possession of Baljinder Kaur, Ex Sarpanch of village Rampur Channa, Tehsil Malerkotla, District Sangrur, within a period of 2 months from the date of receipt of certified copy of order dated 19th of January 2015.

Alleging non-compliance of the said order, present contempt petition was filed.

Vide order dated 28th of May 2015, notice of motion was issued.

Reply was filed by way of short affidavit on behalf of the respondent on 09/12/2015, wherein it has been stated by respondent that although the he has been impleaded as a party, the matter in controversy relates to the Panchayat Department and the order was to be complied with by the Panchayat Department i.e D.D.P.O/B.D.P.O due to which, immediately after receipt of certified copy of order dated 19th of January 2015, he had forwarded the same immediately to Naib Tehsildar, Amargarh, with the directions to comply with the order of this court. Upon that, matter was taken up a different levels, and thereafter Naib Tehsildar, Amargarh, vide his office letter No. 415/reader dated 9th of April 2015 informed the respondent that through search warrant, the search of house of Smt. Baljinder Kaur, Sarpanch was conducted, however the aforesaid proceeding register could not be traced out. Further, it has been stated that even as per the letter of Naib Tehsildar, there is likelihood of recovery of register from Smt. Baljinder Kaur. In regard to this, vide office letter No. 1198 dated 02/07/2015, Smt. Baljinder Kaur Ex Sarpanch was granted last opportunity to submit the proceeding register up to 8th of July 2015, in the office and to get recorded her statement.

However, Smt. Baljinder Kaur produced an affidavit, duly attested by notary on dated 9th of July 2015 stating therein that at the time of handing over of the charge, entire record was given to elected Sarpanch

in 2008, but from the perusal of charge lists of receiving produced by Jatinder Singh @ Happy, it is clear that proceeding register of the period 25th of June 1997 to 25th of June 2000 is with Baljinder Kaur. Therefore, under the circumstances vide letter dated 13th of July 2015 the SHO, PS Amargarh was requested to register a case against Baljinder Kaur Ex Sarpanch for the recovery of aforesaid register. The copy of the said letter has been attached as Annexure R/1. At the time of hearing learned counsel for respondent has pointed out that subsequently an FIR No. 64 dated 17.07.2015 has also been registered against Baljinder Kaur Ex-Sarpanch under section 409 of IPC at PS Amargarh, District Sangrur. Thus, it has been submitted that the order passed by this court on dated 19th of January 2015 already stands complied with and hence prayer has been made for discharging the rule.

Per contra, learned counsel for the petitioner has argued that the order in question has not been complied with as the register pertaining to the period of 25th of June 1997 to 25th of June 2000 has yet not been recovered

After hearing the rival contentions, this court is of the opinion that vide order dated 19th of January 2015, this court had directed the respondent to decide the legal notice served upon him, which, in the opinion of this court has been legally decided and in fact the prayer as made by the petitioner in the writ petition filed by him bearing CWP No. 823 of 2015 has also been complied with, by getting the premises searched of Baljinder Kaur Ex Sarpanch wherein the register was not found. Consequently, recommendation was made for registration of an FIR which, as has been

In view of the factual position emanating from the record as well as the submissions made by the parties, this court is of the opinion that nothing survives in the present contempt petition as the order dated 19th of January 2015 already stands complied with and nothing remains to be done on the part of respondent.

In view of the above, the present contempt petition is hereby dismissed and the rule stands discharged.

(JASWANT SINGH)
JUDGE

January 30, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>