

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No. 1437 of 2017

Date of decision : 06.06.2017

Gurcharan Singh

....Petitioner

V/s

Pritam Singh & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Chauhan, Advocate for the petitioner.

RAJAN GUPTA J.

Present petition has been filed by the petitioner, 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 respondents needs to be taken as they have failed to abide by the orders passed by the Financial Commissioner, Punjab. Reliance has been placed on judgment reported as *S.K. Sarkar Member, Board of Revenue, U.P. Lucknow vs. Vinay Chandra Misra 1981 CLJ (Criminal) 73*, 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.

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

It appears respondents filed a suit for rendition of accounts against the petitioner before the Assistant Collector 1st Grade, Lehragaga of land measuring 59 kanals 7 marlas. Same was decreed in favour of respondents vide order dated 10.04.2015 and petitioner was directed to pay mesne profits within one month. Aggrieved, both the parties exhausted their remedies of appeal etc. The Commissioner, Patiala dismissed the plea of the petitioner. Thereafter, revision was preferred by the petitioner before Financial Commissioner, Punjab who vide his order dated 18.01.2016 directed the Collector to decide the matter expeditiously after hearing the parties. Thereafter, review application was filed by petitioner wherein status quo was ordered to be maintained till further orders by the Financial Commissioner, Punjab. Petitioner alleges that respondents have acted in violation of the status quo order.

On due consideration of the matter, I am of the considered 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. In view of ***Vinay Chandra Misra's case (supra)***. This court would undoubtedly has powers of superintendence and control over any authority, which has trappings of judicial tribunal and is capable of giving 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 powers under Article 227 of the Constitution. However, such is not the issue in the instant case. The appeal is still pending

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, thus, dismissed.

June 06, 2017
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No