

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

COCF No.1608 of 2011(O&M)

Date of Decision:-03.02.2017

Khusia Ram.

.....Petitioner.

Versus

Sh. Kashmiri Singh Mahi & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. IPS Mangat, Advocate &
Mr. Ish Puneet Singh, Advocate for the Petitioner.

Mr. P.S. Khurana, Advocate for respondent nos.1 & 2.

Mr. J.C. Malik, Advocate for the respondent no.5.

JASWANT SINGH, J.(ORAL)

Petitioner has preferred this contempt against the respondents-
Tehsildar/Naib Tehsildar and Sarpanch of the village under Sections 10 &
12 of the Contempt of Courts Act, 1971 for willfully disobeying the interim
order dated 27.11.2001 (P-1) was passed by this Court in CWP No.18588
of 2011 by raising construction, which is as follows:-

“ *CM allowed as prayed for.*

Notice of motion for May 13, 2002.

Meanwhile status quo will be maintained. ”

In short the facts of the case are that there was a dispute
regarding land measuring 5 Kanal 18 Marlas which was in possession of

petitioner along with other writ petitioners. The said land was left for Adharmi at the time of consolidation and more than 50 families were using this land. Petitioner also constructed a house on this land. The Gram Panchayat Jagpalpur vide resolution gave the land to the landless persons and petitioner got 4 marlas of land and said land was given to him for construction of house being landless person. After sometime respondent no.1-Kashmira Singh and one Dharam Singh both Members Panchayat gave statement before the Civil Court that they had filed a case before the District Development and Panchayat Officer for ejectment and they will not dispossess petitioner along with other persons except in due course of law and in view of their statement said suit was withdrawn. Thereafter Gram Panchayat filed a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 for ejectment of the petitioner along with others which was decided against the petitioner and other vide order dated 23.07.1998. Appeal filed by the petitioner against the said order was also dismissed. Aggrieved against the said order CWP No.18588 of 2001 was filed wherein the present contempt petition arises.

After issuance of notice in the contempt petition, separate replies have been filed on behalf of respondent nos.1,2 & 5.

In the reply it is stated that the possession of the land in question was taken by the Gram Panchayat on 21.09.1999 vide order of Tehsildar, Phagwara and that too in the presence of the petitioner though petitioner did not affix his signatures on the proceedings. Said fact was duly recorded in the record by the Halqa Patwari and the copy of the proceedings is annexed as Annexure **R-1**. Thus it is asserted that there is no violation of "Status quo" order by raising of construction. It is also asserted

that another piece of land of the Gram Panchayat was given to the landless people of the village including the petitioner which was being enjoyed by them and same was not the land in question.

In view of the aforesaid stand in the reply nothing survives in the present contempt petition for adjudication and as such the present petition is hereby dismissed.

(JASWANT SINGH)

JUDGE

February 03, 2017

Vinay

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