

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

Date of decision:07.02.2017

Dr.Daljit Singh

.....Petitioners

VS

Sh.Shakti Bhatia and another

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Rahul Makkar,Advocate for the petitioner.

Mr.Sanjeev Soni,Advocate for respondents.

Jaswant Singh,J(Oral)

Petitioner filed CWP 14041/2010 for issuance of a writ restraining the respondents including contesting respondent no.2-Municipal Corporation,Amritsar from taking possession of any portion of land belonging to him for proposed passages in Building scheme No.15-B,without acquiring the land and payment of compensation in accordance with law.

In the said writ petition a written statement was filed wherein respondent no.1-Municipal Town Planner, Municipal Corporation,Amritsar took a specific stand that land of the petitioner would not be acquired without payment of compensation, which had already been assessed at Rs.7,39,420/-.

In view of the averments made in the written statement, on the statement of learned counsel for the petitioner, the writ petition was dismissed as withdrawn,vide order dated 20.8.2010(P-2) with a liberty to pursue his lawful remedy in accordance with law.

Subsequently, petitioner filed a civil suit alongwith an application under Order 39 Rules 1 and 2. The application is stated to have been decided in favour of the petitioner whereas civil suit is still pending adjudication.

It is alleged that on 28.1.2015, SDO,Municipal Corporation-respondent no.2 alongwith his staff started constructing the road and also

dismantled the boundary wall and gate of the petitioner by overlooking the

statement made by them before this Court. Thus, non-compliance of the order dated 20.8.2010(P-2) passed by this Court in CWP 14041/2010 is alleged.

Upon notice, reply by way of affidavit of Sandeep Singh,SDO,Municipal Corporation has been filed stating therein that after dismissal of CWP 14041/2010 as withdrawn, land belonging to the petitioner has not been acquired for any purpose. It is further alleged that petitioner filed a civil suit and under the garb of interim order passed by the learned Civil Court, tried to grab the portion of the street by breaking the road berms and also damaged the existing water supply line laid by Municipal Corporation and caused damage to the public property. It is further averred that with the timely intervention of people of the area and staff of Municipal Corporation, the attempt made by the petitioner has been foiled. It is alleged that present contempt has been filed only to pressurize the staff of the Municipal Corporation so that no action is taken against him for illegal cutting of trees and making an attempt to encroach upon the street.

In view of the written statement and the order dated 20.8.2010 (P-2) passed in CWP CWP 14041/2010 in my opinion, no contempt is made out. In case the respondents have violated the injunction granted in favour of petitioner, he is at liberty to seek appropriate remedy before appropriate forum in accordance with law.

Rule is discharged.

07.02.2017
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No