

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

COCF No.2166 of 2014

Date of decision : 15.11.2017

Satish Goyal

.....Petitioner

Versus

Subhash Chander and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Nakul Sharma, Advocate for the petitioner.

Mr. Gitish Bhardwaj, Advocate for respondent No.1.

Ms. Akshita Chauhan, AAG, Punjab
for respondents No.2 & 3.

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DAYA CHAUDHARY, J. (Oral)

The present contempt petition has been filed for non-compliance of order dated 19.10.2011 passed in case No.RR-138/2011 by the Divisional Commissioner, Patiala Division, Patiala, wherein order of status quo was passed.

Learned counsel for the petitioner submits that in spite of status quo order, mutation of land in dispute has been entered in the revenue record which amounts to non-compliance of the order of status quo. Learned counsel also submits that learned Divisional Commissioner, Patiala admitted the revision petition and notice was issued to the respondents. Respondent was also aware about said order of status quo, but in

connivance with other respondents, the mutation of the land in dispute was entered in favour of one Nisha Gupta. Subsequently, revision petition was accepted and order passed by the A.C 2nd Grade was set aside and the case was remanded back to the AC 1st Grade (SDM), Almoh for passing fresh order after affording opportunity of hearing to both the parties. At the end, learned counsel for the petitioner submits that once order of status quo has been passed, then intentionally making entry of the mutation in the revenue record amounts to non-compliance of order of status quo and as such, respondents are guilty of contempt and they be punished according to provisions of Contempt of Courts Act.

Learned State counsel submits that order of status quo was passed on 19.10.2011, case was remanded on 04.03.2014 and the sale deed of the land in dispute was executed on 04.07.2011. She also submits that sale deed was of the earlier period and making entry of mutation in the revenue record was in the hand of private respondents and respondent No.2 was not involved in the same in any manner. The order of status quo was not in the knowledge of the official respondents and it cannot be said that any violation of order of status quo is there.

Heard arguments of learned counsel for the parties and have also perused order dated 19.10.2011 passed by the Divisional Commissioner, Patiala, wherein order of status quo was passed in revision No.138 of 2011.

The contempt petition has been filed only on the ground that in spite of status quo order, mutation was entered by respondent No.2 which

amounts to contempt of status quo order. It has also been submitted by learned counsel for the petitioner that mutation in favour of one Nisha Gupta was wrongly sanctioned on the basis of alleged Will executed in favour respondent No.1. It is also not disputed that during hearing of the revision petition filed by the petitioner before Divisional Commissioner, Patiala Division, Patiala, the revision was admitted and status quo order was passed on 19.10.2011 till further orders. It has also not been disputed that the sale deed was executed on 04.07.2011, prior to date of passing of status quo order. Thereafter, mutation was sanctioned on the basis of said registered sale deed which has been stated to be non-compliance of order of status quo. Meaning thereby, the sale deed was executed much earlier to the passing of order of status quo. It cannot be said to be non-compliance of status quo order as mutation was entered by the official respondents and they were not party in the revision petition. Neither any copy of the order was supplied to official respondents No.2 & 3 nor they were aware about status quo order and provisions of Section 12 of the Contempt of Courts Act are not attracted. A party can be held guilty for contempt in case there is willful, deliberate and intentional disobedience of the orders on their part. In the present case, there is no violation of status quo order passed by the Divisional Commissioner, Patiala as the sale deed was executed much earlier and, thereafter, status quo order was passed. Nothing has been pointed out by learned counsel for the petitioner to show as to whether respondents No.2 & 3 were aware about the interim order passed in the revision petition. From the affidavit filed by the respondents, it is apparent

that the land in dispute was sold to one Nisha Gupta vide registered sale deed No.1001 on 04.07.2011 and, thereafter, mutation was sanctioned on 30.05.2013 by AC-I (SDM) vide mutation No.14940 in the revenue record on 27.11.2013, on the basis of said registered sale deed. It was entered by the Circle Patwari and verified by the Kanungo. Even there is no entry/note of any stay order passed by learned Commissioner. Petitioner has also nowhere mentioned in the present contempt petition that respondents No.2 & 3 were served with the copy of status quo order in the office of Naib Tehsildar, Mandi Gobindgarh. The fact of non-receiving of status quo order dated 19.10.2011 is clear from the fact that copy of status quo order was sent on wrong address *i.e.* village Kukar Majra, Tehsil Khanna, Distt. Ludhiana, whereas the village Kukar Majra is situated in Tehsil Amloh, Sub Tehsil Mandi Gobindgarh, Distt. Fatehgarh Sahib. Even from the copy of Jamabandi for the year 2011-12 (Annexure R-3/1 T) annexed with the reply, it is clear that there was no entry with regard to status quo order dated 19.10.2011.

In view of the facts as mentioned above, no case of contempt is made out against the respondents and accordingly the notice is discharged and contempt petition is dismissed

15.11.2017

sunil yadav

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No