

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

**C.O.C.P. No.2210 of 2014 (O&M)
Date of Decision: 15.02.2017**

Lal Chand

..... Petitioner

Versus

Shri Mukul Kumar, Sub Divisional Magistrate, Karnal and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. V.K.Jindal, Senior Advocate assisted by
Mr. Akshay Jindal, Advocate for the petitioner.

Ms. Shubhra Singh, Additional Advocate General, Haryana
for the respondents/contemnors.

JASWANT SINGH, J. (Oral)

The petitioner alleges that the respondents-revenue officials have violated the order dated 19.03.2008 (**Annexure P-1**) passed by this Court in CRM-45698-M of 2006, inasmuch as the possession of the land in dispute has not been handed back to the petitioners, pursuant to the quashing of the proceedings under Section 145/146 of the Code of Criminal Procedure (Cr.P.C.).

It is averred that the petitioners were in possession of the land purchased by them vide a sale deed, which included the land in dispute, being claimed by the other party to be a 22 feet wide public street. Apprehending law and order situation, an order dated 27.03.2006 (**Annexure P-3**) was passed by the Sub Divisional Magistrate, Karnal, initiating the proceedings under Section 145 Cr.P.C. while appointing the Naib Tehsildar, Karnal as a Receiver of the said property. Since a civil suit between the rival parties stood filed regarding the land in dispute, this Court vide order dated 19.03.2008 (**P-1**) set aside the proceedings initiated under Section 145 Cr.P.C. in view of the settled law that once civil action stands initiated qua a property, then the proceedings under Section 145/146 Cr.P.C. qua a dispute regarding that property, are not

It is contended that since the possession of the land in dispute was not being handed back, therefore, the respondents were liable to face contempt proceedings.

Upon notice, reply stands filed, including an affidavit dated 17.05.2016 of Sh. Shyam Lal, Tehsildar, Karnal, wherein it is asserted that the appointed Receiver i.e. Naib Tehsildar, Karnal had never taken possession of the aforesaid suit land. The stand of the respondents is that apart from the order dated 19.03.2008 (P-1), the appointment of the Receiver stands withdrawn and the revenue authorities are not in possession of the land in dispute.

In view of the aforesaid stand of the respondent officials, no further action is warranted in the present contempt petition.

Accordingly, the present contempt petition stands dismissed as infructuous.

February 15, 2017

Gagan

(JASWANT SINGH)
JUDGE

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