

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 3047 of 2015

DATE OF DECISION:02.05.2017

Manjit Singh

.....Petitioner

Versus

Jaspal Singh Brar

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. S.K. Arora, Advocate
for the petitioner.

Mr. SS Chandumajra, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

Vide order dated 6.9.2014 passed in LPA No. 1488 of 2014, Tehsildar-cum-Managing Officer, before whom the claim of the petitioner was pending, was directed to decide the same expeditiously and preferably within a period of six months from the date of receipt of certified copy of the order but nothing was done. Thereafter, the present contempt petition was filed by the petitioner, wherein, on 28.3.2017, following order was passed:-

Vide order dated 6.9.2014 passed in LPA No. 1488 of 2014, the claim of the petitioner was ordered to be considered within a period of six months from the date of receipt of certified copy of the order but nothing was done and ultimately, the present contempt petition has been filed by the petitioner.

While issuing notice in the contempt petition on 3.12.2015, it was again directed that in case order dated 6.9.2014 is not

complied with within a period of two weeks from the date of passing of the order, it would be presumed that the respondent has willfully disobeyed the order passed by this Court. Thereafter also the case has been adjourned on various dates. Even last opportunity was granted on 23.11.2016. Thereafter on 7.2.2017, it was directed that the necessary exercise be done within a period of two weeks failing which respondent was directed to remain present in the Court on the next date of hearing.

Respondent-Jaspal Singh, Tehsildar is present in the Court today and submits that the matter is pending before the Deputy Commissioner for approval and the decision is likely to be taken within a period of two weeks.

Adjourned to 2.5.2017.

In case the necessary compliance is not done within a period of two weeks, Deputy Commissioner, Ferozepur is directed to remain present in the Court on the next date of hearing.

Adjourned to 2.5.2017.

Personal appearance of respondent-Jaspal Singh, Tehsildar is exempted.

Before passing of abovesaid order, sufficient time was granted to comply with order dated 6.9.2014 as notice in the contempt was issued on 3.12.2015 and thereafter the case was adjourned on various dates. It was clearly mentioned while passing aforesaid order that in case compliance of the order is not made within a period of two weeks, Deputy Commissioner, Ferozepur was directed to be present in the Court on the next date of

hearing.

In pursuance of direction issued by this Court on 28.3.2017, short affidavit of Deputy Commissioner, Ferozepur has been filed in Court today and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

Learned counsel for the respondent submits that order dated 6.9.2014 passed by this Court has been complied with as order dated 12.4.2017 has been passed, which is annexed as Annexure D-1 with the affidavit.

A perusal of order dated 12.4.2017 clearly shows that the claim of the petitioner has been rejected.

Admittedly, much delay has been caused in complying with order dated 6.9.2014 and all efforts have been made to explain the same, which appears to be non-convincing.

Accordingly, an amount of ₹50,000/- is imposed as costs upon the respondent to be paid to the petitioner from his own pocket by way of draft within a period of one month from today not only for non-compliance of the order in time but for causing delay and unnecessary harassment to the petitioner as he had to file contempt petition, which also remained pending for a long period.

However, the petitioner is at liberty to avail appropriate remedy to challenge order dated 12.4.2017.

Disposed of accordingly.

May 02, 2017
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes