

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

COCP No.862 of 2016 (O&M)

Date of Decision: 09.08.2017

Captain Dalip Singh (Retd.)

....Petitioner

Versus

Swaran Singh and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Manhar S. Saini, Advocate
for Mr. Mansur Ali, Advocate
for the petitioner.

Mr. Vaibhav Sehgal, Advocate
for the respondents.

DAYA CHAUDHARY, J. (ORAL)

The present contempt petition has been filed against the respondents for non-compliance of order/undertaking passed by this Court in ***CWP No.23021 of 2015*** titled as ***Captain Dalip Singh (Retd.) vs State of Punjab and others***, decided on ***30.11.2015***.

The said contempt petition was filed for violation of interim order dated 30.11.2015, whereby, status quo order was ordered to be maintained till further orders. Learned counsel for the petitioner has placed on record certain photographs to show that the status quo order has been disturbed which amounts to contempt of orders passed by this Court.

Learned counsel for the respondents has brought to the notice of this Court that the writ petition was disposed of vide order dated 28.03.2017 and in pursuance of the order passed in the main petition, no contempt is made out.

Learned counsel for the petitioner has brought to the notice of this Court the communication dated 29.07.2016 during arguments.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file including interim order as well as final order passed in CWP No.23021 of 2015.

Said writ petition was disposed of vide order dated 28.03.2017. The relevant portion as mentioned in para No.4 of said judgment is reproduced as under :-

“4. In view of the above, we are not inclined in this writ petition to compel the official respondents to file a criminal complaint. We hasten to add that it is always open to the official respondents to file a criminal complaint, if they so desire, as well as to adopt any other proceedings. If further evidence is brought to their knowledge by the petitioner or by any other party, they are bound to take the same into consideration and act pursuant thereto and in accordance with law. Needless to add that the official respondents are always at liberty to adopt any proceedings-criminal or civil- in accordance with law including for the purpose of compensation for the damages caused to the petitioner's land. As at present, the private respondents do not have permission for any further works upon the land of the Gram Panchayat. They, therefore, cannot use the land of the Gram Panchayat for any purpose whatsoever including for the purpose of mining. In the event of the Gram Panchayat granting any permission in future, it would be a different matter altogether. The rights of the parties in respect thereof obviously cannot be commented upon.”

In view of decision passed in the main petition, no contempt is

made out as the interim order passed while issuing notice of motion has merged into the final order.

The contempt petition is disposed of accordingly.

09.08.2017
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(DAYA CHAUDHARY)
JUDGE

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