

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

COCP No.947 of 2016 (O&M)

Date of decision: May 30, 2017

Swaran Singh

...Petitioner

Versus

A.K. Kapoor, Principal Director,
Defence Estates and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Premjit Kalia, Advocate for the petitioner(s).
Mr. Chetan Mittal, Sr. Advocate with
Mr. Vivek Singla, Sr. Panel Counsel for the respondents.

Mr. B.S. Kanwar, Advocate for the respondents
(in COCP-1059 & 1060).

Mr. Agam Kumar, Advocate for the respondents
(in COCP-1832 & 1833).

Mr. P.S. Sidhu, Advocate for UOI (in COCP-1680 & 1681).

Mr. A.K. Gupta, Advocate for respondents No.1 to 4
(in COCP-1836).

Mr. O.P. Dabla, Advocate for UOI (in COCP-1065 & 1066).

Mr. Arun Gusain, Advocate for UOI (in COCP-947 & 948).

Mr. Amit Arora, Advocate for UOI (in COCP-1834 & 1835).

Mr. V.K. Kaushal, Advocate for respondent No.1
(in COCP-1831 & 1682).

Rajan Gupta, J.

This order shall dispose of 21 contempt petitions i.e. COCP
Nos.947, 948, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066,
1680, 1681, 1682, 1831, 1832, 1833, 1834, 1835 & 1836 of 2016, preferred

by the petitioners against respondents. Petitioners allege violation of order dated 07.11.2015, passed by Additional District Judge, Amritsar in execution applications.

It has been urged before the court that orders passed by Additional District Judge, Amritsar are not being complied with by the respondents. Thus, it amounts to contempt of the court.

Prayer has been opposed by learned Assistant Solicitor General of India. He submits that the present contempt petitions are not maintainable. Petitioners have not availed of appropriate remedy, thus, present petitions need to be dismissed.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Petitioners claim that land owned by them was acquired. Their claim for compensation was considered by the Land Acquisition Collector. On a reference made by Additional District Judge, Amritsar, he enhanced the compensation. Both claimants and Union of India challenged the award passed by Additional District Judge, however, same were dismissed. Thereafter, Union of India preferred appeal before the apex court, but same was dismissed. Award, thus, attained finality. Execution petitions were filed by the claimants before the executing court at Amritsar, wherein land owned by the judgment debtors was attached. It appears, said land was also put to auction but none came to bid for the attached property. As a result, the executing court directed the judgment debtors to pay the decretal amount within one month. As executing court is seized of the matter, it is inexplicable how the present contempt petitions are maintainable before this

court. In case petitioner is aggrieved by the order passed by the executing court, he could have availed appropriate remedy available as per law. Present contempt petitions are misconceived. Same are hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 30, 2017
'Rajpal'

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