

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

COCF No.1130 of 2018

Date of Decision:-06.04.2018

Golden Greens Golf & Resorts Ltd.

.....Petitioner.

Versus

Pritam Singh & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. SanjayVij, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner-private company has filed the present contempt petition with the allegations that the *Gram Panchayat* through the present *Sarpanch*- respondent no.1 by filing an eviction petition under Section 7 of the Punjab Village Common Land Act seeking to evict the petitioners from the land in question is violative of the orders dated 18.11.2005 passed by this Court in RSA No.4089 of 2005.

It is submitted that the *Gram Panchayat* Sakatpur, Block Sohna, District Gurugram through the then *Sarpanch* had filed a civil suit for permanent injunction seeking to injunct the proprietors including the petitioner company from changing the nature of the suit land being owner of the said land. The Civil Suit was dismissed with the findings that the *Gram Panchayat* was not the owner of the land in question and the ownership vested with the proprietary body of the Village. Petitioner-company had

purchased most of the shares from the proprietors of the village. The said finding qua ownership with the *Gram Panchayat* were confirmed right uptill this Court in RSA No.4089 of 2005 decided on 18.11.2005. The said findings have attained finality.

It is contended that the present *Sarpanch* by filing the aforesaid eviction with the averment that the *Gram Panchayat* is the owner has violated the findings affirmed/recorded in the order dated 18.11.2005.

After hearing learned Counsel for the petitioner no grounds for invoking contempt jurisdiction are made out, although this Court is inclined to accept that it is highly debatable that such a petition under Section 7 would now be maintainable. The petitioner is fully free to raise these pleas in the said eviction petition which is hoped would be decided by the competent authority in accordance with law.

In view of the above, present contempt petition is disposed of.

(JASWANT SINGH)
JUDGE

April 06, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>