

COC-1194-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-1194-2017 (O&M)

Date of Decision: 13th September, 2018

Angrez Singh & others

...Petitioners

Versus

Amit Dhaka, Secretary & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Baltej Singh Sidhu, Advocate,
for the petitioners.

Ms. Munisha Gandhi, Senior Advocate with
Mr. Ms. Salina Chalana, Advocate
for the respondents.

AUGUSTINE GEORGE MASI, J. (ORAL)

In Compliance with the order dated 10.08.2018 passed by this Court, affidavit of Amit Dhaka, Secretary, Punjab Mandi Board-respondent No.1 has been filed in Court, which is taken on record, copy whereof supplied to the counsel for the petitioners. It has been stated in para 3 of the said affidavit that while passing the speaking order dated 21.08.2017, reliance has been placed upon two orders i.e. (i) judgment and decree dated 29.01.1979 passed by Sh. Sarup Chand Gupta, ADJ, Faridkot and (ii) Order dated 27.03.1982 passed by Sh. J.R. Singla, Sub-Judge Ist Class, Mukatsar. In para 4 of the said affidavit, it is stated that judgment dated 16.05.1997 passed by this Court in RSA No.1804 of 1979 has also been relied upon to

the extent that RSA filed against the order dated 29.01.1979 i.e. the judgment passed by the learned Additional District Judge, Faridkot, has been dismissed. The complete judgment is not available even in the records of the High Court and only the concluding page of the said judgment is available and the same has been supplied.

Counsel for the petitioners states that the memo of parties has not been supplied qua the judgment passed by the learned Additional District Judge, Faridkot, dated 29.01.1979. Similar is the position with regard to the judgment passed by the Subordinate Judge Ist Class, Mukatsar, dated 27.03.1982.

The statement as made by the learned counsel for the petitioners may be correct but since the respondents also have filed an affidavit that except for these materials, there is nothing more available with them and they have supplied the complete documents available with them on which reliance has been placed.

In view of the above, this Court finds that the arguments as have been raised by the learned counsel for the petitioners may be a good ground for challenging the order which was passed by the respondents keeping in view the limited directions issued by this Court in its order dated 11.07.2016, whereby, the writ petition was disposed of directing the respondents to consider and decide the legal notice dated 15.11.2014 to ascertain the correct facts and take an appropriate decision in accordance with law, has been complied with by the respondents. Petitioners, if so advised, may avail of their remedy in accordance with law.

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The present contempt petition stands disposed of with above observations.

Rule issued to the respondents stands discharged.

CM-23049-CII-2017

In the light of the disposal of the main petition, the present application has become infructuous.

Disposed of as such.

13th September, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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