IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.1433 of 2018 (O&M)
Date of Decision:7.5.2018

Fateh Singh ... Petitioner

Versus

Rajinder Kumar Gahlot & Anr. ... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sanjeev Kumar Panwar, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

This Contempt Petition has been filed under Section 12 of the Contempt of Courts Act, 1971 for initiating contempt proceedings against the respondent for wilfully and deliberately disobeying the order dated 11th November, 2013 passed by a Division Bench of this Court in CWP No.12481 of 2008 (lead case- CWP No.3809 of 2008). The order of the Division Bench rested on a policy decision of the State Government to be applied uniformly that wherever there exists a structure raised before issuance of Notification under Section 4, such house/building/structure alongwith proportionate open area shall be released in consonance with the policy. The further direction was that if left out land of the petitioners cannot be utilised for any bona fide public purpose, in that event, the desirability of releasing such land shall also be considered save in a case where it is required for public utilities like sector, road, sewerage, green belt etc. Thereupon, the Land Acquisition Collector and the District Town Planner were directed to submit their report to the State Government within two months and appropriate release orders shall be passed by the State Government within two months thereafter. There is no explanation as to what the petitioner has done since 11th November, 2013 or after the expiry of the period fixed in the order, except making representation

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in 2014 and reminders in 2017 and 2018. Therefore, in my view, the present contempt petition is barred by limitation under Section 20 of the Contempt of Courts Act, 1971 which prescribes limitation of one year for bringing contempt action. Sending representation and reminders will not extend the period of limitation. The petitioner has not acted diligently and has slept over his rights. Accordingly, no contempt is made out. The contempt petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

7.5.2018
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Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*

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