

COCP-1498-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-1498-2017 (O&M)

Date of Decision: 06th September, 2018

Baldev Singh

...Petitioner

Versus

Mahesh Bansal, Estate Officer (Housing), GMADA

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Savita, Advocate, for the petitioner.

Mr. Sarvesh Malik, Advocate, for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-17487-CII-2017

Affidavit of the Estate Officer (Housing), GMADA, dated
18.08.2017, is taken on record, subject to all just exceptions.

Application stands disposed of.

COCP-1498-2017

It has been pointed out by the learned counsel for the respondent that earlier also, petitioner had preferred a contempt petition i.e. COCP No.2600 of 2016 alleging non-compliance of the order dated 08.02.2016 passed by this Court in CWP No.2421 of 2016 preferred by the petitioner, which contempt petition was dismissed by this Court vide order dated 30.01.2017 for want of prosecution. He, therefore, contends that the present contempt petition is not maintainable.

Counsel for the petitioner does not dispute the fact that the petitioner had earlier preferred COCP No.2600 of 2016 and the dismissal of

the same for want of prosecution but she has made an effort to justify the filing of the second contempt petition by asserting that prior to the passing of the order dated 30.01.2017, counsel for the petitioner had sought time in that contempt petition to find out the latest position with regard to the status of the representation which was ordered to be considered and decided by the Division Bench of this Court vide order dated 08.02.2016.

This, in the considered view of this Court, would not justify the filing of the fresh contempt petition when the earlier contempt petition for the same cause of action has been dismissed vide order dated 30.01.2017. The present contempt petition, therefore, deserves to be dismissed on this ground alone. However, in the light of the reply, which has been filed by the respondent, on consideration of the claim of the petitioner, an order dated 30.08.2016 (Annexure R-1) has been passed by the Competent Authority. This, in the considered view of this Court, fulfills the requirement for compliance as ordered by the Division Bench of this Court, rendering the contempt petition infructuous. In case the petitioner is aggrieved by the said order and is so advised, he may avail of his remedy in accordance with law.

Disposed of with above observation.

Rule issued to the respondent stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

06th September, 2018
Harish

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