

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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C.O.C.P. NO.151 OF 2018

DATE OF DECISION: SEPTEMBER 28, 2018

Balwan Singh Saini

.....Petitioner

VERSUS

J. Ganesan and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Chiranshu Bansal, Advocate,
for the petitioner.

Ms. Chhavi Sharma, Advocate for
Mr. P. S. Chauhan, Advocate,
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court asserting non-compliance of the order dated 04.04.2016 (Annexure P-1) passed by this Court in Civil Writ Petition No.175 of 2014 (Balwan Singh Saini Vs. Haryana Urban Development Authority and others), whereby the Division Bench of this Court had proceeded to decide the writ petition by setting-aside the impugned orders by giving liberty to the respondents to take a decision with regard to the eligibility and entitlement of the petitioner for allotment of the plot site on the basis of the material on record and the observations made therein.

In response to the contempt notice, the respondents have filed their reply. Alongwith the reply, an order dated 06.09.2018 (Annexure R-1)

as passed by the Administrator, HSVP, Rohtak, has also been annexed.

Learned counsel for the petitioner contends that the order, which has been passed by the respondents, is not comprehensive and does not fulfill the mandate of the order dated 04.04.2016 (Annexure P-1) as passed by this Court in Civil Writ Petition No.175 of 2014.

I have considered the submissions made by counsel for the petitioner and have also gone through the records of the case.

A perusal of the order passed by the Division Bench of this Court would show that the Court had specifically said that it has neither determined the eligibility or entitlement of any of the petitioners or allotment of the plot site and all the questions had to be determined by the concerned authority on the basis of the material on record. The respondents, in their understanding, have proceeded to decide the claim of the petitioner. The correct forum for assailing the order as passed by the respondents would not be in the contempt petition and, therefore, this Court is satisfied that the present contempt petition has been rendered infructuous and the same is disposed of as such.

If the petitioner is so advised, he may avail of his remedy in accordance with law.

Rule issued against the respondents stands discharged.

September 28, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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