

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
205**

C.O.C.P. NO.1678 OF 2015

DATE OF DECISION: JULY 16, 2018

Smt.Gunwant Kaur

.....Petitioner

VERSUS

Sumit Kumar Jharangal and another

....Respondents

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

Present: Mr. K. S. Boparai, Advocate,
for the petitioner.

Mr. Sandeep Khunger, Advocate,
for the respondents.

AUGUSTINE GEORGE MASI, J.

This petition under Section 12 of the Contempt of Courts Act, 1971 has been preferred by the petitioner for initiating contempt proceedings against the respondents for non-compliance of orders dated 25.09.2008 (Annexure P-2) passed by the Division Bench in Civil Writ Petition No.17247 of 2007 (Gunwant Kaur Vs. State of Punjab and others) and orders dated 04.04.2011 (Annexure P-4) passed in Civil Writ Petition No.13983 of 2009 (Gunwant Kaur Vs. State of Punjab and others) for punishing them for not allotting her residential plot on the reserved price fixed under the 49.5 Acres Residential Scheme (hereinafter referred to as “the Scheme”) under Rule 4(2)(iii) of the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983 (for short, “the

1983 Rules”).

It is the contention of learned counsel for the petitioner that when the petitioner was offered a residential plot of only 100 Sq.Yards despite the Improvement Trust, Bathinda, having passed a resolution No.32 dated 12.10.2004 for allotment of 500 Sq.Yards plot under the Locally Displaced Persons Quota, she challenged the same by filing Civil Writ Petition No.17247 of 2007, which was disposed of by Division Bench of this Court on 25.09.2008 on the basis of statement made by learned Deputy Advocate General, Punjab, on instructions from the Special Secretary, Punjab, that as and when there would be a floatation of plots in oustee quota and the petitioner applies in that quota, her claim would be considered in terms of the policy and the entitlement. The earlier resolution of allotment of the plot in oustee quota would also be brought to the notice of the authority concerned and the claim would be considered in the light thereof. Despite the said undertaking, the petitioner was held entitled to only 100 Sq.Yards plot and a decision dated 18.06.2009 (Annexure P-3) by the Administrator, Improvement Trust, Bathinda, was taken, which forced her to file Civil Writ Petition No.13983 of 2009, which was decided by this Court vide order dated 04.04.2011, holding therein that the petitioner, as per Rule 4(2)(iii) of the 1983 Rules is entitled to allotment of a plot measuring 300 Sq.Yards. A direction was accordingly issued to allot a plot of 300 Sq.Yards to the petitioner within a period of two months from the date of receipt of certified copy of the order. In pursuance thereof, plot measuring 239 Sq.Yards, which was available under the Scheme, was allotted to the petitioner, which was acceptable to her. However, the rate of the said plot was fixed as ₹6,000/- per Sq.Yard whereas it should have been ₹1300/- per

Sq.Yard, which was the reserved price at the time of draw of the Scheme and plots were allotted to similarly Locally Displaced Persons as the petitioner. Counsel, thus, contends that the respondents, who are now charging current rate of the plot, have violated the orders passed by this Court and, therefore, they are liable to be punished under the Contempt of Courts Act, 1971.

On the other hand, learned counsel for the respondents, while referring to various judgments which have been passed by this Court, asserts that in the case of similarly placed persons as the petitioner, who were Locally Displaced Persons and had been allotted plots under the said quota when were held entitled to the grant of plots, were so entitled at the current reserved price only. In support of this contention, he places reliance upon the Division Bench order dated 08.10.2012 of this Court in Civil Writ Petition No.1603 of 2012 (Monti Roy Vs. State of Punjab and another) alongwith five other similar writ petitions, Civil Writ Petition No.17445 of 2015 (Harjinder Singh and another Vs. State of Punjab and another) decided on 21.08.2015 and a Single Bench judgment in Civil Writ Petition No.7978 of 1998 (Rajinder Kaur Vs. State of Punjab and another), decided on 04.08.2009. That apart, counsel contends that the petitioner, after the allotment of the plot under the Locally Displaced Persons on 11.07.2013, filed Civil Writ Petition No.23664 of 2013, praying for allotment of the plot in question at the reserved price of ₹1300/- per Sq.Yards instead of ₹6,000/- per Sq.Yards in view of the 1983 Rules like the other similarly situated persons, who were allotted plots under the Locally Displaced Persons Quota covered under the Scheme as the petitioner. The said writ petition was withdrawn on 09.02.2015 by the petitioner after issuance of notice to

the respondents. He, thus, contends that the present contempt petition is totally misconceived and is abuse of process of law and, thus, the same deserves to be dismissed with costs.

Having considered the submissions made by counsel for the parties and on going through the records of the case, I am of the considered view that the present contempt petition, as preferred by the petitioner, is misuse and abuse of process of Court. Firstly, the earlier order passed by the Division Bench of this Court on 25.09.2008 dealt with allotment of a plot to the petitioner as per Resolution No.32 of 2004 passed by the Improvement Trust, Bathinda and for consideration thereof on floatation of plots under the Scheme for Locally Displaced Persons. Thereafter in Civil Writ Petition No.13983 of 2009 preferred by the petitioner, she was held entitled to allotment of 300 Sq.Yards plot instead of 500 Sq.Yards plot as per resolution No.32 of 2004. There was nothing mentioned with regard to the value of the plot and the Court had directed only allotment of plot measuring 300 Sq.Yards without stating or commenting on the value thereof. Above all, the petitioner had challenged the allotment letter dated 11.07.2013 qua determination of the reserved price by the Improvement Trust, Bathinda, by specifically claiming allotment at the rate of ₹1300/- per Sq.Yard instead of ₹6,000/- per Sq.Yard and that too in view of the 1983 Rules. The said writ petition i.e. Civil Writ Petition No.23664 of 2013 was dismissed as withdrawn by this Court after issuing notice and hearing both the parties vide order dated 09.02.2015. It is important to note that no liberty was sought by counsel for the petitioner to avail of the remedy of contempt or any other alternative remedy nor was it granted by this Court. Meaning thereby, the claim of the petitioner for allotment of plot at the rate

of ₹1300/- per Sq.Yard instead of ₹6,000/- per Sq.Yard stood rejected by the Division Bench. This is apart from the decisions of the Division Bench as well as learned Single Bench referred to above, as relied on by the counsel for the respondents, holding the allottees under the Locally Displaced Persons to be entitled for such allotment at the current rate and not the reserved price.

In view of the above discussion, there being no merit in the contempt petition, the same stands dismissed with costs, which are assessed at ₹20,000/-.

Rule issued against the respondents stands discharged.

July 16, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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