

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

223

COCP No.1856 of 2016 (O&M)

Date of Decision: August 2nd, 2018

Tirlok Chand

...Petitioner

Versus

Manoj Yadav

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gopal Sharma, Advocate
for the petitioner.

Mr. Abhishek Yadav, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.16998-CII of 2017

Prayer in this application is for placing on record affidavit of the respondent.

Application is allowed subject to just exceptions.

Affidavit of the respondent is taken on record.

COCP No.1856 of 2016

Petitioner has approached this Court alleging non-compliance of the order dated 12.05.2016 passed by this Court in CWP No.8592 of 2016 preferred by the petitioner.

2. The direction issued by this Court to the Executive Officer, Municipal Council, Rewari, was to take a decision on the representation dated 23.06.2015 of the petitioner within a period of 15 days from the date of receipt of certified copy of the order.

3. As per the assertions of the counsel for the petitioner the certified copy of the order was conveyed to the Municipal Council, Rewari, on 31.05.2016 with a reminder on 06.07.2016 and the final order has been passed only on

01.08.2016, that too on the date of filing of the contempt petition. His contention is that the petitioner had been running from pillar to post for a decision on his representation, which related to the sanctioning of the site plan for his house. He thus, contends that the respondent has intentionally not complied with the order passed by this Court, rendering himself liable to be proceeded against under the Contempt of Courts Act.

4. On the other hand, learned counsel for the respondent submits that the respondent was posted as Executive Officer on 25.06.2016 and it is immediately thereafter on receipt of the reminder of the petitioner that steps were taken and initiated to finalise the decision on the representation of the petitioner and the same was done on 01.08.2016. He further states that there has been no intentional delay in complying with the order passed by this Court and thus, the allegations against the respondent are unfounded. Prayer has thus been made for dismissal of the present contempt petition.

5. I have considered the submissions made by learned counsel for the parties and have gone through the records of the case and pleadings.

6. Keeping in view the fact that the respondent had only joined on 25.06.2016 as Executive Officer, Municipal Council, Rewari, and prior thereto, the said post was lying vacant, with a prompt action taken on behalf of the respondent for finalisation of the representation of the petitioner, it does not appear to be an intentional delay in complying with the order passed by this Court and thus, it cannot be said that the contempt of Court has been committed by the respondent.

7. In view of the above, the present petition stands disposed of with liberty to the petitioner to avail of the remedy in accordance with law against the order dated 01.08.2016 passed by the respondent.

8. Rule issued to the respondent stands discharged.

August 2nd, 2018
Puneet

(AUGUSTINE GEORGE MASI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable:	Yes/No
---------------------	--------