

COCP-23-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-23-2016 (O&M)

Date of Decision: 23rd August, 2018

Sajjan Singh

...Petitioner

Versus

Ajay Sood & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. A.S. Salar, Advocate,
for the petitioner.

Ms. Kavita Arora, Advocate
for respondent No.1.

Ms. Sudeepti Sharma, Addl.A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-10898-CII-2018

Reply by way of short affidavit of Deputy Commissioner,
Ludhiana, on behalf of respondent No.3, is taken on record, subject to all
just exceptions.

Application stands disposed of.

COCP-23-2016

Petitioner has approached this Court alleging violation of order
dated 02.11.2012 passed by this Court in CWP No.21723 of 2012, which
was preferred by the petitioner, in the light of the fact that the Chairman of
the Improvement Trust, Ludhiana, vide order dated 17.04.2017, reviewed
the earlier order, which has been passed by the Chairman, Improvement

COCP-23-2016 (O&M)

Trust, Ludhiana, on 24.08.2016, merely on the ground that the present claim of the petitioner is barred by limitation, which is contrary to the direct judgment of this Court in CWP No.1603 of 2012, titled as 'Monti Roy Vs. State of Punjab & others', decided on 08.10.2012. He, therefore, contends that the action of the Chairman, Improvement Trust, Ludhiana, is not sustainable.

An affidavit has been filed in Court, according to which, the Principal Secretary to Government of Punjab, Department of Local Government, has passed an order dated 02.02.2018, whereby, the Chairman, Improvement Trust, Ludhiana, has been directed to pass a fresh order after minutely examining the facts, Government instructions and law with regard to the claim of the petitioner in pursuance to the order dated 02.11.2012 passed by this Court in CWP No.21723 of 2012.

According to the position as it exists today, there is no order which sustains or is in operation which has been passed by the Chairman, Improvement Trust, Ludhiana, in pursuance to the order passed by this Court dated 02.11.2012. It has been brought to the notice of the Court by the counsel for the parties that the said order dated 02.02.2018 passed by the Principal Secretary to Government of Punjab, Department of Local Government, has been challenged by the petitioner by filing CWP No.10961 of 2018, where notice of motion has been issued by this Court and the same is now pending consideration for 26.11.2018.

Having considered the submissions made by the counsel for the parties, the stand of the counsel for the petitioner that the Chairman,

Improvement Trust, Ludhiana, has committed a contempt while rejecting the claim of the petitioner on limitation would not sustain in the light of the subsequent order which has been passed by the Principal Secretary to Government of Punjab, Department of Local Government, on 02.02.2018, according to which, there is no order of the Chairman, Improvement Trust, Ludhiana, which would be in force as no fresh order thereafter has been passed by the Chairman, Improvement Trust, Ludhiana. That apart, petitioner has already challenged the order dated 02.02.2018 passed by the Principal Secretary to Government of Punjab, Department of Local Government, which is still pending and is now under consideration of this Court.

The present contempt petition as of now would not sustain and therefore, the same stands disposed of. However, liberty is granted to the petitioner to file a fresh contempt petition in case, the Chairman, Improvement Trust, Ludhiana, again proceeds to pass an order which would be violative of the order passed by this Court dated 02.11.2012.

Rule issued to the respondents stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

23rd August, 2018
Harish

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