

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

139

COCP No.3151 of 2018 (O&M)
Date of Decision: October 1st, 2018

Patiala Urban and Development Authority, Patiala

...Petitioner

Versus

Narinder Kumar Thakur

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sarvesh Malik, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging violation of the order dated 28.07.2016 passed by this Court in CWP No.13802 of 2016, whereby *status quo*, as it existed on the said date, was ordered to be maintained. Petitioner has approached this Court asserting that from 05.07.2016 to 31.07.2016, the khoka, which was the subject matter of CWP No.13802 of 2016, was closed and was opened on 01.08.2016 by respondent-Narinder Kumar Thakur (petitioner in CWP No.13802 of 2016). He, therefore, contends that the respondent has violated the order dated 28.07.2016 passed by this Court.

2. This contention of learned counsel for the petitioner cannot be accepted as what was said by the Writ Court on 28.07.2016 is as follows:-

“This petition is filed in order to challenge order of the Chief Administrator, PUDA Patiala dated 1.7.2016 by which booth allotted to the petitioner has been cancelled without any show cause notice.

Notice of motion for 2.8.2016.

Dasti.

Till then, the parties shall maintain status quo as it exists today.”

3. The obvious effect of the above order would be that the

possession as it existed had to be maintained. It is not in dispute that the

possession of the said khoka was with the respondent and continues to be so and, therefore, opening of the said khoka by the respondent would not amount to violation of the order passed by this Court. Further the present contempt petition is beyond the period of limitation as the cause of action arose to the petitioner on 01.08.2016 when the Security Incharge, P.D.A., Patiala, intimated the Estate Officer, P.D.A., Patiala, with regard to the khoka having been opened. The limitation as prescribed under the Contempt of Courts Act is one year, which period has exceeded and, therefore, on this ground and on merits also, the present contempt petition stands dismissed.

October 1st, 2018

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No