

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-3478-2013

Date of Decision: 23.05.2018

SANJEEV CHANDHA

...Petitioner

Vs.

DPS KHARBANDA ETC.

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Ms. Kashika Kaur, Advocate for
Mr. Anurag Chopra, Advocate
for the petitioner.

Mr. Sandeep Khunger, Advocate
for the respondents.

RAJIV NARAIN RAINA, J. (Oral)

1. Indisputably, the disputed property in question is not a public property. It is private property of persons / owners who are in the process of developing the area into a residential colony under the name of 04.10.2008.

2. This contempt petition arises out of the order passed by the Division Bench of this Court in a public interest litigation in CWP No. 2796 of 2007 titled Sher Singh and another Vs. Municipal Corporation, Ludhiana and others delivered on 04.10.2008 where a slew of directions were issued while concluding the case. The relevant directions Nos. 4 & 8 read as follows:

“iv) the Municipal Corporations are directed that encroachments from all those public properties except

falling within the directions No. (i) above and/or wherever the civil court has decided the matter in favour of the private individuals, shall be removed and hand lands will be retrieved forthwith but not later than six months from today;

viii) if a public spirited person notices that any encroachment is not being removed and/or being allowed to take place in connivance with the employees, authorities or councilors of the Municipal Corporation, he/she shall be at liberty to institute contempt of court proceedings against such person and/or municipal authorities for their act of willful and deliberate disobedience of the directions issued hereinabove.”

3. This petition was filed in the year 2013 wherein it is averred by the Municipal Corporation that only 10% amount towards regularizing the colony as per notification dated 21.08.2013 had been deposited by the developer. The balance was not paid all these years. However, a letter has been produced by the Mr. Khunger appearing for the Corporation, addressed to him by the Assistant Town Planner, Municipal Corporation, Amritsar stating that the balance amount has been paid by the developer towards regularizing the colony. Accordingly, he submits that further steps will be taken to conclude the process in accordance with law.

4. The liberty granted to public spirited persons in the order dated 04.10.2008 was confined to public property and encroachments thereupon. If the petitioner feels aggrieved by any act of the Municipal Corporation legalizing the colony then he would be free to take recourse to law by way of regular remedy but not by way of this contempt petition. Besides the petitioner has not disclosed in this petition that how as a public spirited person he runs a Warehouse for profit and lives in the vicinity of the disputed colony in the name and style of India Enclave in Amritsar, Punjab.

5. Accordingly, the petition is dismissed as the respondents can not be held guilty of contempt or willful disobedience of the orders and directions of this Court.

6. The rule is discharged.

(RAJIV NARAIN RAINA)
JUDGE

23.05.2018

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*