

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

**COCP 3650/2017**

**Date of decision:15.01.2018**

Malti Pathak

.....Petitioner

v.

Yashendra Singh,HCS

.....Respondent

**Coram: Hon'ble Mr.Justice Jaswant Singh**

Present:- Mr.Manoj Kaushik,Advocate for the petitioner.

**Jaswant Singh,J,(Oral).**

Five petitioners are *Jhuggi* dwellers and squatting on Government land in Faridabad. They filed a writ way back in the year 1997 bearing CWP 9182 seeking regularization of their unauthorised colony as also quashing of the notices issued by the authorities for their ejectment. The said writ petition alongwith connected bunch of petitions were disposed of by a Division Bench of this Court vide detailed judgment dated 19.4.1999. The notices of ejectment were quashed and certain directions were issued to HUDA/Government Authorities, inter alia, for alternative accommodation/EWS houses/flats.

The present contempt has been filed with the plea that a notice has been issued by the Administrator, HUDA, Faridabad inviting applications from the eligible applicants like the petitioners for allotment of flats at a place which is about 20 kilometers away from their place of unauthorised occupation and thereby violating condition no.(iv) of the order dated 19.4.1999.

After hearing counsel for the petitioner no case for invoking contempt jurisdiction is made out.

Clause (iv) of the order dated 19.4.1999 reads as under:-

*“(iv) Those who cannot be accommodated by allotment of existing E.W.S.houses/plot shall be offered alternative sites at a maximum distance of 7 to 10 kilometers from the present place of their colonies.(This distance has been indicated by us keeping in view the observations made by the Supreme Court in **Olga Tellis v Bombay Municipal Corporation** (supra) in the context of the right to livelihood.”*

It cannot be denied that by efflux of time i.e. almost 18 years the development in the area has taken place thereby forcing HUDA authorities to accommodate them at available vacant sites. It is not the case of the petitioners that any vacant sites with proper land use are available which is being denied deliberately to the petitioners. Even otherwise proviso to Section 20 of the Contempt of Courts Act,1971 restrains this Court from invoking contempt jurisdiction.

At this stage,learned counsel for the petitioner seeks permission to withdraw the petition.

Dismissed as withdrawn.

15.01.2018  
joshi

(Jaswant Singh)  
Judge

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |