

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

COCF No.669 of 2013(O&M)

Date of Decision:-09.01.2018

Faquiria Singh.

.....Petitioner.

Vs.

Sh. Kumar Rahul, Deputy Commissioner, Sangrur & Ors.

.....Respondents.

CORAM:- HON' BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Navjot Singh, Advocate for the Petitioner.

Mr. Manoj Bajaj, Additional Advocate General Punjab for
respondent no.1.

Mr. Munish Kumar Singla, Advocate for respondent nos.2 to 4.

None for respondent no.5.

Mr. Dinesh Kumar, Advocate for respondent no.6.

JASWANT SINGH, J.(ORAL)

Plaintiff/respondent in RSA No.461 of 2004 has filed the present contempt alleging that the interim order dated 14.11.2016 (P-5) passed by this Court has been violated in as much as the suit land measuring 3 marlas comprising in Khasra No.125//9/3(0-3) of Khewat No.1421, Khatauni no.2161 was allotted by the Gram Panchayat to members of Scheduled Caste for construction of residential houses inspite of the direction that “*Status Quo with regard to the nature of the suit land would be maintained during the pendency of the second appeal.*”

Upon notice the Gram Panchayat and others have filed reply. Finally an affidavit dated 20.05.2015 of Sh. Arshdeep Singh Thind, Deputy Commissioner Sangrur stands filed and para no.3 of the same reads as under:-

“ That in compliance with the order dated 28.04.2015 a report was sought from the Executive Engineer PWD (B & R) and Sub Divisional Magistrate, Sangrur. They have reported that the shops shown under construction in Annexures P-10 and P-11 falls in Khasra Nos.125//9/4 and no shop has been constructed in Khasra No.125//9/3. That the shops have been laid with cement and the roofs are of brick arch. That this construction is about four years old. The reports of Executive Engineer PWD (B&R) and Sub Divisional Magistrate Sangrur are attached as Annexures R1 and R2. ”

It is not in dispute that the allotment of the suit land stood cancelled by the Competent Authority vide order dated 07.04.2015 and no alleged construction has been found on the suit land. It is further not in dispute that the suit land relates to Khasra No.125//9/3 and upon demarcation, it has been found that there exists no construction.

However, counsel for the petitioner on instructions from his client raised a serious dispute regarding the non existence of the construction in the suit land.

In view of the above, more so the disputed question, no further action is warranted in the present contempt petition.

At this stage, learned Counsel for the petitioner prays for permission to withdraw the present contempt petition to enable his client to

seek appropriate remedy in accordance with law.

Dismissed as withdrawn with aforesaid liberty.

(JASWANT SINGH)
JUDGE

January 09, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>