

COCP-641-2012 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-641-2012 (O&M)

Date of Decision: 19th July, 2018

Gurmail Singh

...Petitioner

Versus

S.S. Randhawa

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Naresh Prabhakar, Advocate, for the petitioner.

Mr. Rishav Jain, Advocate, for the respondent.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM-5552-CII-2012

Application is allowed.

Annexures P-1 to P-5 are taken on record, subject to all just exceptions.

CM-16166-CII-2016

Application is allowed.

Annexure R-1 is taken on record, subject to all just exceptions.

CM-23158-CII-2016

Prayer in this application under Order 1 Rule 10 read with Section 151 of CPC is for deleting the name of the sole petitioner on expiry on 13.08.2016 and impleading Harjinder Singh son of Mr. Fakir Singh, who was petitioner No.6 in CWP No.19478 of 2009.

Having considered the contempt petition and keeping in view the order dated 13.10.2011, contempt of which is alleged, in the light of the

subsequent order passed by this Court in CWP No.9045 of 2013, titled as 'Deepak Rai & others Vs. State of Punjab & others', decided on 03.05.2013 (Annexure R-1), which is appended with the reply, wherein, following order was passed qua the shops and buildings of the petitioner therein, which reads as follows:-

“In view of the above, the instant petition is ordered to be disposed of with the following directions :-

“- The Deputy Commissioner, Kapurthala, through Executive Officer, Nagar Panchayat, Dhilwan, Distt. Kapurthala, is directed to look into the matter, get the fact finding enquiry conducted by the Tehsildar, Kapurthala, with the help of relevant revenue record.

- It is further directed that after conducting the fact finding enquiry associating the petitioners also therein, appropriate action, if it is found necessary to be taken, shall be initiated against the petitioners, in accordance with law.

- Till the fact finding enquiry is conducted with the help of the relevant revenue record, including the one submitted by the petitioners also, their shops/buildings shall not be demolished.

- It is further directed that the petitioners shall not be ejected from their shops/buildings and the same will not be demolished, except in due course of law.”

In view of the order reproduced above, followed by subsequent steps taken by the Naib Tehsildar, Kapurthala and its report submitted to the Deputy Commissioner (Annexure R-1/A), this Court is satisfied that the order passed by this Court stands duly complied with and therefore, the application filed by the applicant for impleading him as a party to the

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contempt petition does not make much difference and therefore, the same stands dismissed.

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In the light of the above, the present contempt petition stands disposed of having been satisfied in the light of the reply which has been filed by the respondent as also the enquiry report submitted by the Naib Tehsildar, Kapurthala, to the Deputy Commissioner Kapurthala, wherein, it has been found that there is no encroachment on the part of the shop-keepers nor are they in illegal possession of the property.

Rule issued to the respondents stands discharged.

19th July, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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