

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

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COCP No.384 of 2017

Date of Decision: September 7th, 2018

Anil Kumar

...Petitioner

Versus

Devender Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Ravi Partap, Assistant Advocate General, Haryana.

Mr. Lokesh Sinhal, Advocate
for respondent No.2.

Mr. Shobit Phutela, Advocate
for respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court asserting violation of the order passed by this Court on 27.10.2016 (Annexure P-1), whereby in CWP No.17896 of 2008, *status quo* was directed to be maintained by the petitioners regarding creation of third party rights, to keep the land/property free from all types of incumbrances and not to change the nature of the land/property for a period of one year so that meanwhile the respondent-State may proceed with the provisions as contained in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It was asserted that the construction is being carried out on the land which was a subject matter of the writ petition and, therefore, the order dated 27.10.2016 passed by this Court stands violated.

2. Upon issuance of notice, separate replies have been filed by the respondents.

3. Perusal of the various orders which have been passed by this

Court would show that vide order dated 29.03.2017, Local Commissioner was appointed by this Court. In pursuance to the said order, the Local Commissioner submitted his report on 18.04.2017 and the same was taken on record. On 19.05.2017, it was asserted that the construction has been raised only on the licensed area but the area has not been specified and that the construction was still going on. In pursuance thereto, respondent No.5 i.e. TDI Infrastructure Private Limited was called upon to file an affidavit specifying the area for which the licence has been granted and on what portion of the land, construction has been raised. In pursuance thereto, an affidavit has been filed by respondent No.5. Along with the said affidavit, a map has also been appended detailing therein the area which is the licensed area as well as the area which is the subject matter of the writ petition. According to the said affidavit and the map, which has been placed on record, the land on which the construction is being carried out and for which licence has been issued does not fall in the land, which is the subject matter of the writ petition. There is nothing on the record to contradict the said fact. That apart, an issue was raised with regard to the licence having been expired, which although was not the subject matter of the contempt petition but still in pursuance to the query put by this Court, licences have been placed on record indicating that it has been renewed.

4. Having considered the submissions made by the counsel for the parties and keeping in view especially the report of the Local Commissioner, wherein in his final findings, it has specifically been stated by the Local Commissioner that the construction as shown in the photographs which are part of the contempt petition, on which the petitioner has relied upon to assert that the construction is being carried out on the

land which is the subject matter of the writ petition, has been found to be not where the *status quo* persists as per the writ petition. There is nothing which would contradict the affidavit which has been filed on record by respondent No.5. Even the Managing Director, Haryana State Industrial Development Corporation-respondent No.2 has filed affidavit, where it has been asserted that the construction which is being carried out is not on the land which is the subject matter of CWP No.17896 of 2008, wherein *status quo* has been ordered by this Court to be maintained.

5. In view of the above, finding no merit in the present contempt petition, the same stands dismissed.

6. Rule issued to the respondent stands discharged.

September 7th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No