

COCN No. 703 of 2018 (O&amp;M)

Date of decision:28.11.2018

Sanjiv Kumar and others

...Petitioners

Versus

Mukesh Kumar Ahuja and others

...Respondents

**CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR**Present: Mr. Prateek Rathi, Advocate  
for the petitioners.

Mr. Rajesh K. Sheoran, Addl.AG, Haryana

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**NIRMALJIT KAUR, J. (ORAL)**

The present contempt petition is filed for violation of order dated  
04.09.2013 Operative part of the said order reads as under:-

" As the petitioners whose residential houses are acquired do not have any other measure of social shelter for them or their families, we further direct that after allotment of alternative sites along with the Physical possession, they shall be granted some reasonable period, to be determined by the authorities, for construction of their houses before vacating the acquired house. Since in terms of the above directions, the petitioners cannot be dispossessed unless their claims in terms of the policies dated 26.10.2007/24.01.2011 and 09.11.2011 are considered and determined it is, not necessary for us to fix any time frame for the respondents for compliance of these directions. Disposed of. Dasti".

It is contended that the petitioners were forced to file the contempt petition No. 2085 of 2017, as the respondents tried to take physical possession, the said contempt petition was dismissed after taking note of the fact that the petitioners have already filed a suit for permanent injunction before the Civil Court which is pending and that the petitioners had not been dispossessed.

Subsequently, the present contempt petition has been filed once again on the ground that the petitioners were granted injunction by the

Trial Court vide order dated 01.10.2016 but inspite of both the said order the officials of the respondents Department have proceeded to take forcible possession which was evident from the photographs placed on record as Annexure-P4.

Learned counsel for the respondents have also handed over certain photographs showing the land which was acquired.

A perusal of the photographs shows that 4 shops are very much existing on the spot. In the said photographs, learned counsel for the petitioners has identified 4 shops which have not been demolished and are still existing. These photographs are placed on record by the respondents themselves.

It is not disputed that these 4 shops are still existing. Accordingly, in view of the above, the present contempt petition is disposed of with a direction to the respondents to continue to maintain the staus quo.

In case the respondents are agrieved, they are at liberty to move an appropriate application before the Civil Court for vacation of the stay order.

**28.11.2018**

*renu bala*

**(NIRMALJIT KAUR)  
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No