

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

COCP-1831-2018

Date of Decision : March 01, 2019

Murti Shiv Ling Ji Maharaj

.....Petitioner

VERSUS

Ms. Kamal Preet Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

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

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

Mr. S.K.Rana, Advocate for respondent No.2.

Mr. Chander Pal Tiwana, Advocate
for respondents No. 4 to 10, 12 to 16, 18 to 26.

Respondents No. 11 and 17 already died.

NIRMALJIT KAUR, J. (Oral)

The present contempt petition is filed for violation of the order dated 3.8.2017 vide which various directions were issued.

Learned counsel for the petitioner does not dispute that almost all the directions have been complied with. However, he is aggrieved with the action of the respondents in auctioning the land in the month of June 2018 and not in the month of April 2018. Secondly, the said auction was done without following due procedure of law.

Replies have been filed. Copies given to Learned counsel for the petitioner.

Learned counsel for the parties have been heard.

While explaining as to how the auction was not done in the

month of April 2018 but was done in the month of June 2018, it is contended that as per the order, the appellants in the RSA were required to deposit the amount as occupancy charges for the period from January 2014 till April 2019. Thus, the respondents understood that the auction has to be done in the month of April 2019 and not in April 2018, whereas, with respect to the procedure followed by the respondents, it is contended that the due procedure in accordance with law was followed. Learned counsel for the petitioner, however, states that the respondents were aware that it was to be done in April 2018 because the said order was modified vide order dated 12.9.2017. This fact is disputed by the respondents stating that the same was never brought to the knowledge of respondent No.2 and, therefore, as and when he came to know of the said fact, he immediately ordered for the auction vide order dated 28.5.2018 and, accordingly, the auction was held on 7.6.2018. No doubt, the SDM is stated to be aware of the fact that it is to be held in the year 2018 but just because the same was held in June 2018 and not in April 2018, this Court cannot conclude that the said violation was willful. Accordingly, the contempt is dismissed.

Rule issued against the respondent(s) is discharged.

However, in case the petitioner is aggrieved with the procedure followed qua the auction, he is at liberty to avail the remedy available to him under the law.

March 01, 2019

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(NIRMALJIT KAUR)
JUDGE

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