

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

COCF No. 189 of 2017

Date of Decision: 04.09.2019

Kaka Singh and others

.....Petitioners

Versus

Sh. Karan Bir Singh Sidhu and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Beant Singh Seemar, Advocate for
Mr. Mandeep Kumat Dhot, Advocate
for the petitioners.

Mr. Aditya Sharda, AAG Punjab.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience of directions given by this Court in LPA No. 247 of 2015. The relevant portion is quoted below:

The operational part of the order is reproduced below:

"[10]. Having heard learned counsel for the parties, we do not deem it necessary to keep his appeal pending as the appellants, who belong to poor strata of the society, in any case are entitled to allotment of alternative land provided that such land is available in the 'surplus pool'. Further the appellants can not be expected to have access to the records and find out availability of such land. Rather, obligation to this effect lies on the Collector, Agrarian. We, thus, in modification of the order dated 27.10.2014 of the learned Single Judge, dispose of this appeal with a direction to the Collector, Agrarian, Kharar and/or the higher authorities in the State of Punjab in this regard, to find out the alternative un-allotted land lying in 'surplus pool' for the purpose of allotment to the appellants who are

legal heirs of the deceased allottee, subject, however, to their eligibility etc. The needful in this regard shall be done within a period of six months from the date a certified copy of this order is produced.

[11]. Disposed of. Dasti."

The issue was that the petitioners may be allotted some alternate land if available in Surplus pool and the respondents were directed to do the exercise of finding alternate un-allotted land lying in the surplus pool for allotment to the appellants (in the LPA), subject to their eligibility etc.

The controversy in the writ petition was whether Shamlat Deh land are vested in Gram Panchayat and could be declared surplus and be allotted under the Punjab Security of Land Tenures Act, 1953 and the Punjab Land Reforms Act, 1972. The learned Single Judge, held that Shamlat Deh land could not be declared as Surplus. In this background in the intra-court appeal, the Court considered that the appellants belong to poor strata of society and the appeal was disposed of with the directions quoted above.

In pursuant to the notice of motion, affidavit and status report had been filed. Today, learned counsel for the respondents has produced an order dated 3.9.2019 and the same is taken on record. Copy supplied to counsel for the petitioners.

Vide order dated 3.9.2019, the claim of the petitioners have been rejected as they were not found eligible for alternate allotment. The directions in the appeal were for allotment of the alternate land subject to eligibility etc. As the petitioners have not been found eligible, it gives a fresh cause of action to the petitioners.

Learned counsel for the petitioners argues with regard to illegality in order dated 3.9.2019. The said aspect cannot be gone into as it does not fall within the ambit of present contempt petition.

The contempt petition is disposed of with liberty to the petitioners to avail remedy in accordance with law.

Rules issued against the respondents stands discharged.

04.09.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No