

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

COCP No. 190 of 2017

Date of Decision: 04.10.2019

Suresh Chand

.....Petitioner

Versus

Mahinder Singh Bishnoi

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Munish K. Garg, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG Haryana.

AVNEESH JHINGAN, J.(oral)

The petitioner filed a writ petition for quashing of notification dated 23.8.2007 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') and also the notification issued under Section 6 of the Act. The writ petition was disposed of on 10.2.2016 with the direction to the Land Acquisition Collector, Hisar, to decide the representation dated 31.7.2014.

The contempt petition has been filed pleading that the decision on the representation has not been taken. The matter was taken up and the Land Acquisition Collector, Urban Estate Department, Haryana vide order dated 3.4.2017 passed an order that matter for release of the land of the petitioner be considered by the competent authority. Thereafter, a Joint Site Inspection Committee held meeting on 26.4.2018. The Committee came to the conclusion that out of joint estate only 7 kanals 5 marlas was released, there was no partition of the joint estate and it cannot be concluded that the land of the petitioner falls within the released land.

The contention of learned counsel for the petitioner is that revenue entries with regard to released land should be reversed and possession be handed over of the specific portion to the co-sharers on the basis of the position of physical possession as existed prior to the acquisition.

Learned State counsel argues that possession of the specific land cannot be handed over to the petitioner as he had only 79/318 share out of the joint estate which comes to 3 kanals 19 marlas . It is further argued that other co-sharers in the joint estate had also filed various writ petitions.

If the contention raised by learned counsel for the petitioner is accepted it would amount to deciding the partition of joint estate. For handing over the physical possession, the land acquisition authority would have to decide that the petitioner is entitled to a specific portion of joint estate, the said aspect is beyond the jurisdiction of the authorities.

It would be pertinent to note here that before the authorities while the representation was being considered, the petitioner failed to adduce any evidence with regard to physical possession or his share with regard to specific portion of the land.

There is another aspect of the matter. The contention raised by learned counsel for the petitioner affects the rights of other co-sharers who are not party in the present litigation. The jurisdiction of the contempt proceedings is to be restricted within the four corners of the direction of the order alleged to be violated. Considering the complication in the matter, no case is made out for wilful disobedience.

The contempt petition is dismissed. However, the dismissal of the contempt petition shall not be construed as an impediment on the rights of the co-sharers to avail remedy in accordance with law for making their claims in the joint estate released by the authorities.

04.10.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No