

COCP No. 2213 of 2014

Date of Decision: 07.05.2019

Haryana State Industrial Development Corporation

.....Petitioner

Versus

Pankaj Gupta and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Kamal Sehgal, Advocate
for the petitioner.Mr. Shailendra Jain, Senior Advocate with
Mr. Harman Jivtesh Singh, Advocate
for the respondents.**NIRMALJIT KAUR, J. (ORAL)**

The present contempt petition is filed for violation of the order dated 22.05.2009, vide which, status quo was ordered to be maintained.

Learned counsel for the petitioner while vehemently arguing that the respondents had violated the order of status quo submitted that it is an admitted position that the respondents had raised construction on the vacant land. In view of their admission, they are liable to be punished for contempt. It is further stated that even if the writ petition has been dismissed, the respondents are still liable in view of judgment rendered by Hon'ble the Apex Court in case of ***“Tayabbhai M.Bagasarwalla and another Vs. Hind Rubber Industries Pvt. Ltd. etc., AIR 1997 (SC) 1240”***.

Learned counsel for the respondents on the other hand pointed out that the respondents have paid the amount qua the said construction having been raised by them. Thus, the petitioner himself has condoned the action of the respondents, if any. Be that as it may, the fact is that the respondents herein had filed the writ petition challenging the acquisition

proceedings initiated by the State of Haryana. It was in that context that the status quo was granted. Meaning thereby, that the respondents under no circumstances could dispossess them and the possession was to be maintained as on the date of passing of the order. There is no specific direction that the respondents were restrained from raising any construction on the said land or they could not use as per their desire in view of the fact that the land in any case belonged to them at that point of time. Therefore, it would not be possible for this Court to arrive at the conclusion that the respondents herein had intentionally violated the order. In case the petitioner was aggrieved with the raising of the construction as stated, the best possible step that they could have initiated was to file an application before this Court in the very writ petition seeking an order of restraint against the respondents herein against raising of the construction, which was admittedly not done.

In view of the same, this Court does not find any contempt made out or any useful purpose in proceeding with the present contempt petition any further. The same is accordingly dismissed.

Rule issued against the respondents stands discharged.

(NIRMALJIT KAUR)
JUDGE

07.05.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No