

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

CM No.27490-CII of 2018 in/and
COCF No.3171 of 2017 (O&M)
Date of Decision: 17.01.2019

Baldev Krishan

.....Petitioner

Versus

Sonali Giri and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Kamaldip Singh Sidhu , Advocate
for the petitioner.
Mr. Balbir Singh Sewak, Additional Advocate General, Punjab.

Mr. Amit Kumar Saini, Advocate, for respondent No.3.

NIRMALJIT KAUR, J. (ORAL)

CM No.27490-CII of 2018

The application is allowed. The accompanying reply filed on behalf of respondent No.3 is taken on record.

COCF No.3171 of 2017

The present contempt petition has been filed stating therein that the Sanad issued in favour of respondent No.3 amounted to contempt of the court order.

Admittedly, the operation of the impugned order dated 28.5.2015, which was an order passed by the Financial Commissioner, Punjab, upholding the order of the Collector appointing the present petitioner as Lambardar, was stayed. Thus, the order dated 21.7.2015 staying the operation of the impugned order dated 28.5.2015 meant that on the said date, the petitioner could not be notified as Lambardar and the order passed in appeal against the order of the Collector was in operation. Taking

the same into account, the respondents in their wisdom issued the sanad in favour of respondent No.3. Being aggrieved, the present contempt petition has been filed that the said sanad could not have been issued in the name of respondent No.3.

Learned counsel for respondent No.3 on the other hand argued that the withdrawal of the sanad is in fact wrong and rather, it is he, who should file contempt for having withdrawn the same because of the impugned order of the Financial Commissioner having been stayed, the natural consequences of the same was that they should have issued the sanad in his favour as per the order of the Collector.

Although, it is debatable as to whether the said sanad could be issued or not, the fact remains that the respondents have withdrawn the very sanad in favour of respondent No.3. In view of above, this Court does not find either any violation of the order or any contempt being made out.

In view of above, the present contempt petition is dismissed.

Rule issued to the respondents stands discharged.

At this stage, learned counsel for the petitioner argued that the same authority that have issued sanad in his favour has withdrawn. If it is so, there is no reason at all to read any malafide.

(NIRMALJIT KAUR)
JUDGE

17.01.2019
sharmila

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