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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-3255-2018
Date of decision: 29.08.2019

Gurnek Singh and others

.. Petitioners

Versus

Sham Lal and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.S.Kamboj, Advocate
for the petitioners.

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

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed alleging wilful disobedience of the order dated 18.01.2018 passed by this Court in CWP No. 25971 of 2017. The operative part of the order is reproduced below:

“Having heard learned counsel for the petitioners, we find that the writ petition essentially raises a question of fact with regard to the khasra Nos. which have been ordered to be released. Such like factual issues can be effectively decided by the Revenue authorities. The writ petition is thus disposed of with a direction to the Land Acquisition Collector, Urban Estate, Panchkula and Tehsildar, Kalka to hold a fact-finding enquiry; determine as to whether the petitioners own any part of the land which has been ordered to be released vide memo dated 28.09.2016 and if it is found that the land allegedly purchased by the petitioners is also included in the release order, let necessary entry to this effect be made in the revenue record.

Let the needful be done after hearing all the concerned within a period of three months from the date of receipt of certified copy of this order.”

Reply dated 11.04.2019 was filed annexing inquiry report dated 01.06.2018. As per inquiry report, certain land bearing Khasra No. 377/241 was released and allotted to Gian Chand and others, as they had approached Supreme Court by way of SLP which was decided vide order dated 07.08.2013. The petitioner was not party to it. The said land was owned and possessed by HSVP.

Learned counsel for the petitioners states that Khasra No. 377/241 was owned by the petitioners and was released.

The said factual dispute has now been raised in the contempt petition which cannot be decided as it would require fresh pleadings and evidence.

In view of the above, the contempt petition is disposed of with liberty to the petitioners to avail remedies in accordance with law to stake their claim with regard to the land owned by them, subsequently released and as allegedly allotted to Gian Chand and others.

Disposed of with liberty as prayed for.

Rule issued against the respondents is discharged.

29th August, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No