

COCN No. 3510 of 2017

DECIDED ON: SEPTEMBER 17, 2019

KRISHNA DEVI AND ORS

.....PETITIONERS

VERSUS

ARUN KUMAR GUPTA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Suvir Sehgal, Advocate with
Ms. Raman Dhir, Advocate
for the petitioners.

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

Mr. Sandeep Saini, Advocate for
Mr. Rajesh K. Sheoran, Advocate
for the HUDA.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience
of orders dated 25.01.2016 and 14.03.2016 passed in CWP No. 24932 of 2014.

The operational part of the order dated 25.01.2016 is reproduced
below:

" In these circumstances, the writ petition is disposed of by
directing the respondents to construct the road dividing Sectors 45
and 46, Faridabad and for that purpose to perform all acts, deeds and
things subject of course to the respondents being prevented or barred
from doing so in law. The respondents shall on or before 29.02.2016
furnish in writing to the petitioners' advocate(s) an action plan
relating to the construction of the road. If the respondents are unable

to construct it on any ground, they shall inform the petitioners' advocate(s) in writing of the same. The petitioners have no objection to such communication being addressed to their advocate(s) instead of each of them separately.

Needless to clarify that this order does not prejudice the rights of any parties who have not been impleaded.

The petition shall be placed on board on 14.03.2016 only for the purpose of compliance.

We have no reason to believe that respondent No. 4 – District Magistrate, Faridabad will not render the necessary assistance to the other respondents in accordance with law."

When the case was fixed for compliance the following order was passed:-

“ It appears that in view of the orders passed in several writ petitions filed by the landowners, there is difficulty in constructing the road at present.

The petitioner is always at liberty to adopt the proceedings, at the appropriate stage, for enforcement of the order dated 25.01.2016, in accordance with law.

In the event of the respondents and the third party deliberately or otherwise not complying with the orders in those writ petitions, the petitioner can always make an application as interested party to the appropriate court for the necessary relief.

Disposed of. “

Pursuant to notice of motion, reply was filed.

Learned counsel for the parties are *ad-idem* that number of writ petitions are pending in this Court with regard to the said land and those are being adjourned to await the decision of the Apex Court in a matter referred to the Constitution Bench with regard to Section 24 (2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In view of above, no cause of action survives for pursuing the contempt petition.

Disposed of as infructuous with liberty to the petitioners to file afresh in case cause of action so survives.

Rule issued against the respondents is discharged.

SEPTEMBER 17, 2019
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>