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

**COCP No.3596 of 2018
Date of Decision: 04.09.2019**

Ashok Bhatia

Petitioner

Versus

Dr. Chander Shekhar Khare, IAS, Administrator, HSVP and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sourabh Goel, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Advocate
for the respondents.

AVNEESH JHINGAN, J (Oral):

The present contempt petition has been filed pleading wilful disobedience of order dated 06.08.2018 passed by this Court in CWP No.19290 of 2018. The writ petition was disposed of with the directions to the Administrator, HUDA, Gurugram and Estate Officer-I, HUDA, Gurugram to consider the request of the petitioner for executing conveyance deed, as per Civil Court's decree and the decision was to be taken in a time bound manner.

Reply has been filed today in the Court, same is taken on record. Copy of reply is handed over to learned counsel for the petitioner.

In the reply, it has been stated that conveyance deed

could not be executed as there are dues of ₹18,62,585/- as on 31.08.2019 against the SCO allotted to the petitioner. The calculation sheet is also attached with the reply. It has further been stated that SCO No.29, Sector 4, Gurugram has been restored vide office memo No.6565 dated 26.08.2019.

Learned counsel for the petitioner states that no amount is due and abovesaid amount has wrongly been calculated.

The contention raised by learned counsel for the petitioner cannot be gone into the present contempt petition. In contempt proceedings, Court cannot travel beyond four corners of order alleged to have been flouted. The Supreme Court in **Er. K. Arumugam Vs. V. Balakrishnan & Ors. 2019 AIR(SC) 818** held as under:-

*"17. In the contempt jurisdiction, the court has to confine itself to the four corners of the order alleged to have been disobeyed. Observing that in the contempt jurisdiction, the court cannot travel beyond the four corners of the order which is alleged to have been floated, in **Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited and others v. M. George Ravishekar and others 2014(2) S.C.T. 163 : (2014) 3 SCC 373**, speaking for the Bench, Justice Ranjan Gogoi held as under:-*

"19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process

*of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, **Jhareswar Prasad Paul v. Tarak Nath Ganguly 2002(2) R.C.R.(Criminal) 835 : (2002) 5 SCC 352, V.M. Manohar Prasad v. N. Ratnam Raju (2004) 13 SCC 610, Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami 2008(3) R.C.R.(Civil) 177 : (2008) 5 SCC 339 and Union of India v. Subedar Devassy PV 2006(1) R.C.R. (Criminal) 702 : (2006) 1 SCC 613.**"*

In view of above, the contempt petition is disposed of as infructuous with liberty to petitioner to avail remedies in accordance with law, if aggrieved of calculation or amount found due.

The rule issued against the respondents stands discharged.

[AVNEESH JHINGAN]
JUDGE

September 04, 2019
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |