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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No. 3639 of 2018 (O&M)
DECIDED ON: JULY 15, 2019

ROHIT BECTOR

....PETITIONER

VERSUS

J. GANESHAN AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rajinder Goyal, Advocate
for the petitioner.

Mr. Lokesh Sinhal, Advocate
for the respondents.

AVNEESH JHINGAN, J (ORAL)

CM No. 14298-CII of 2019

Application is allowed, as prayed for.

Rejoinder filed by the petitioner is taken on record, subject to all
just exceptions.

COCN No. 3639 of 2018

The present contempt petition has been filed alleging willful
disobedience of order dated 26.04.2012 of this Court passed in CWP No. 10941
of 2010 and other connected matters. Operational part of the order is
reproduced as below:-

*“In view of the judgment of Full Bench in Jarnail Singh's case
(supra) dealing with the rights of the co-sharers, each of the co-
sharer is entitled to a plot of a size keeping in view his land
holding. The rights of the oustees for allotment of plot has been
discussed by this Court in LPA No. 2096 of 2011 titled “Haryana*

Urban Development Authority & others Vs. Sandeep and others
decided on 25.04.2012.

Consequently, the present petition as well as other connected petitions stand disposed of with a direction to the respondents to consider the claim of each of the co-sharer for allotment of a plot keeping in view his holding and in accordance with the principles of law laid down in Sandeep's case (supra). ”

Reply filed by the respondents annexing Annexure R-4 i.e. the order dated 15.03.2019 is on record.

In view of reply filed, learned counsel for the respondents states that the order of this Court has been complied with.

Learned counsel for the petitioner submits that while passing the order dated 15.03.2019 the respondents have not considered the decision of Full Bench of this Court in **Jarnail Singh & others vs. State of Punjab and others; AIR 2011 P&H 1** in right prospective.

The contention raised by learned counsel for the petitioner does not fall within the scope of present contempt petition.

In view of above, no cause of action survives in the present contempt petition.

Disposed of as infructuous.

Rule issued against the respondents stands discharged.

However, in case there is any grievance against the order dated 15.03.2019, petitioner would be at liberty to avail remedies in accordance with law.

JULY 15, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned **Yes/No**
Whether reportable **Yes/No**