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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-3659-2017
Date of decision: 02.09.2019

MAHA SINGH DESWAL

.. PETITIONER

VERSUS

G. GANESHAN IAS CHIEF ADMINISTRATOR HUDA SEC 6
PANCHKULA AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kartar Singh Malik, Advocate
for the petitioner.

Mr. S.K.Mahajan, Advocate
for the respondents.

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed alleging wilful disobedience of the order dated 27.07.2017 passed by this Court in CWP No. 16476 of 2017. The writ petition was disposed of in terms of CWP No. 12394 of 2017 titled as ***Bimla Malik and others Versus The State of Haryana and others*** decided on 31.05.2017. The operative part of the order is reproduced below:-

“Having heard learned counsel for the petitioners and keeping in view the fact that these very issues have been raised by the petitioners in their representation-cum-objections [P-6 (colly.)], the instant writ petition is disposed of without expressing any views on merits, with a direction to respondent Nos.2 & 3 to consider and decide those objections by way of a reasoned order and preferably by giving an opportunity of

hearing to the petitioners in representative capacity provided that they decide to nominate not more than three of them for such hearing. HUDA authorities shall supply complete statement of accounts to enable the petitioners to file their objections against the same. If still aggrieved, the petitioners may represent before the departmental authorities against such order and deposit the demanded amount without prejudice to their legal rights. An appropriate decision shall be taken within a period of three months from the date of receiving a certified copy of this order.”

Learned counsel for the HUDA (now known as HSVP) states that the objections filed by the petitioner could not be decided as there were contradictory reports by the officers. To resolve the issue, three members committee has been constituted which will take decision and thereafter a policy will be formulated. He further states that till the policy is finalized, the recovery notices will not be pressed. If need be, after framing of the policy, fresh calculations shall be made for which fresh notices would be served on the petitioner.

Learned counsel for the petitioner states that in view of the statement made today in Court, no cause of action survives for pursuing the contempt petition. However, he seeks liberty to avail remedies in accordance with law, if fresh cause of action arises.

Disposed of with liberty as prayed for.

Rule issued against the respondents is discharged.

2nd September, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*