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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COC-748-2016

Date of Decision: April 22, 2019

Raj Kumar Gandhi

.....Petitioner

Versus

B.Purushartha and another

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Rajiv Kataria, Advocate for the petitioner.

Ms.Deepali Puri, Advocate for the respondents.

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NIRMALJIT KAUR, J. (ORAL)

The contempt is filed for violation of the order dated 12.04.2005 vide which a direction was issued that demolition of the property, which was subject matter of the writ petition, shall remain stayed. It is stated that the said stay order continued to operate till 2016 when the respondents suddenly went ahead and demolished the *Kotha*.

Reply has been filed. As per the said reply, the respondents have not touched the construction which existed on the day of the passing of the order. The only demolition carried out was of *Kotha* constructed just prior to the proposed road, i.e. in the year 2016. In order to show the same, Annexures R-4 and R-5 have been placed on record. Construction shown in Annexure R-5 still stands, whereas construction shown in Annexure R-4 has been demolished, which is recent construction. On the other hand, learned counsel for the petitioners has not been able to show which was the construction which was standing prior to the year 2006 and therefore the

Court has no reason to doubt the reply filed by the respondents.

In these circumstances, it is not possible for this Court to say that the order dated 30.01.2006 has been violated, in any manner.

In view of this, the contempt petition is dismissed.

Rule issued against the respondents stands discharged.

April 22, 2019
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(NIRMALJIT KAUR)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |