

438/2 cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 22.11.2019

1. COCP-76-2015 (O&M)

KARTAR SINGH

...PETITIONER

VERSUS

SMT. PRIYANKA BHARTI AND OTHERS

...RESPONDENTS

2. COCP-77-2015 (O&M)

NEELAM KUMARI

...PETITIONER

VERSUS

SMT. PRIYANKA BHARTI AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Ms. Deepali Puri, Addl. AG, Punjab.

Mr. G.S.Attariwala, Advocate
for respondent No. 5.

AVNEESH JHINGAN, J. (Oral)

This order shall dispose of above mentioned two contempt petitions as similar issue is involved. For convenience, the facts are being taken from COCP No. 76 of 2015.

The brief facts are that the petitioners filed writ petition seeking direction to the respondents to consider the objections raised by the petitioners on draft notification dated 29.10.2014. The writ petition was disposed of on 04.12.2014, directing the respondents to decide the

objections filed by the petitioners within a period of one week from the date of receiving a certified copy of the order.

The issue was with regard to the inclusion of Baba Deep Singh Nagar and Defence Colony in Municipal Council, Kapurthala (now the Municipal Corporation).

The petition under Sections 10 & 12 of the Contempt of Courts Act, 1971 was filed pleading that the objections of the petitioners have not been decided.

The respondents filed written statement annexing decision dated 11.11.2014 wherein the objections of the petitioners were rejected on the ground that the said *Mohalla* fell outside the municipal limits.

Today, learned State counsel filed an additional affidavit of Sh. Barjinder Singh, PCS, Regional Deputy Director, Urban Local Bodies, Punjab, Jalandhar, which is taken on record, a copy is handed over to the learned counsel for the petitioners.

Learned State counsel submits that though initially the objections raised by the petitioners were rejected in the year 2014 but with the passage of time, due to increase of population and considering the various other factors, notification dated 05.08.2019 was issued. A Municipal Corporation of Kapurthala was constituted for the larger urban areas. It is further submitted that a notification dated 19.09.2019 is issued whereby the objections have been invited for including the Defence colony and Baba Deep Singh Nagar in Municipal Corporation, Kapurthala as per Resolution No. 95 dated 25.01.2019.

Learned counsel for the respondents submits that the process of including the said colonies in the Municipal Corporation is going on and the

needful would be done as expeditiously as possible.

Learned counsel for the petitioners submits that in view of the statement made in Court today, no grievance survives for pursuing the contempt petition. However, seeks liberty to avail remedies in accordance with law, in case, cause of action still remains or arises.

The contempt petitions are disposed of with liberty as prayed for.

Rule issued against respondents is discharged.

22nd November, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

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