

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

COCP No. 3707 of 2017

Date of Decision: 06.09.2019

Kuldeep Singh

.....Petitioner

Versus

Mukesh Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Raman Gaur, Advocate
for the petitioner.

Mr. Sanjeev Majra, Advocate
for the respondents.

AVNEESH JHINGAN, J.(oral)

C.M. No. 18107-CII of 2019

Application is allowed.

Rejoinder is taken on record.

COCP No. 3707 of 2017

This contempt petition has been filed pleading wilful disobedience of order dated 1.6.2017 passed in CWP No. 12411 of 2017.

The operational part of the order is reproduced below:

"In the light of the facts which are duly supported with documents on record, the writ petition is disposed of with a direction to respondent Nos.3 & 4 to verify the records and if the averments made herein-above are found correct, issue necessary occupation certificate as well as revised allotment letter to the petitioner within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly."

The petitioner filed a writ stating that he was a second allottee

whereas the area allotted was 194.0 square meter. He contended that he has already paid ₹1,10,000/- to HUDA for additional area, besides the amount deposited by the original allottee. The respondents were directed to verify the record and in case the averments were found correct, occupation certificate as well as the revised allotment letter was to be issued.

Pursuant to the directions of this Court, an order dated 25.1.2018 was passed by the Estate Officer is annexed with the reply. The claim was rejected, by stating that in spite of the personal hearing granted, the petitioner utterly failed to show how the construction was raised without sanctioned building plan. An admission was made by the petitioner that no demand for extra area was ever raised by HUDA but petitioner himself had deposited the price of area constructed on his own.

Learned counsel for the petitioner argued that the order has been illegally passed without properly appreciating the facts of the case. The said contention cannot be gone into in the contempt proceedings.

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 Ravishekaran 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, **Jharieswar 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.**"*

The arguments raised by learned counsel for the petitioner is beyond the direction issued by the writ Court.

In view of above, no further interference is called for in the

contempt proceedings.

Dismissed.

Needless to say that passing of order dated 25.1.2018 has given a fresh cause of action to the petitioner and he would be at liberty to avail remedy in accordance with law.

06.09.2019
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No