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

**COCP No.839 of 2016
Date of Decision: 22.07.2019**

Deepak Tayal

Petitioner

Versus

S.N. Roy, I.A.S., Principal Secretary, Government of Haryana, Urban
Local Bodies Department and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. V.B. Aggarwal, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. D.A.G., Haryana
for respondents No.1 and 2.

Mr. Rajesh Sheoran, Addl. A.G., Haryana
for respondent No.3.

AVNEESH JHINGAN, J (Oral):

The present contempt petition has been filed pleading wilful disobedience of order dated 01.09.2015 passed by this Court in CWP No.16002 of 2013.

A writ petition was filed for removing encroachments, same was disposed of with the following directions:-

“In compliance with the aforesaid order, affidavit dated 31.08.2015, duly sworn by the Principal Secretary to Government of Haryana, Urban Local Bodies Department, has been filed in court today, stating therein that now the Commissioner and the Joint Commissioner of Municipal

Corporation, Panipat, have been appointed. They have joined their respective offices. It has been further stated that out of 241 cases of encroachments, 239 have been decided by the Prescribed Authority and only 2 cases are pending. It has also been stated that 5 applications came for setting aside the ex-parte proceedings in some of the decided cases, and those applications are pending.

Learned State counsel as well as learned counsel for respondent No.3 – Municipal Corporation, Panipat, state that all the pending cases will be decided expeditiously, preferably within a period of four months, and thereafter suitable action as per the order of this court will be taken.

In view of the aforesaid affidavit and the statement made by learned State counsel as well as learned counsel for respondent No.3, no further direction is required to be issued at this stage.”

Today, Status Report has been filed by way of affidavit of Om Parkash, Commissioner, Municipal Corporation, Panipat. As per said report, there were total 241 cases pending before the Joint Commissioner, Municipal Corporation, Panipat. Out of these, 22 cases have been decided in favour of the occupants. Learned counsel for respondents states that 25 cases have been decided against the occupants. The said orders have been challenged in this Court and interim order has been passed whereby stay has been granted from taking any coercive steps on basis of orders passed. It has further been pleaded that 194 cases which were pending, have been decided on different dates in favour of the occupants.

In view of above, learned counsel for the petitioner states that no cause of action survives for pursuing the contempt petition.

Further, he prays that in cases where the orders have been passed against the occupants and there are no impediments, the respondents should proceed against the occupants in accordance with law.

The contempt petition is disposed of as infructuous.

There is no doubt that respondents will fulfil their duties atleast in the cases where there is no interim direction with regard to illegal occupants. In other cases also, necessary action would be taken as expeditiously as possible, as per facts of each case.

The rule issued against the respondents stands discharged.

[AVNEESH JHINGAN]
JUDGE

July 22, 2019

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