

COCP No.3806 of 2018

Date of decision : 15.05.2019

Darbara Singh

..... Petitioner

versus

Dr.Amandeep Kaur,PCS,
Sub Divisional Magistrate-cum-Collector
Tarn Taran

..... Respondents

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr.Munsih Gulati, Advocate
for the petitioner.

Mr.Aditya Sharda, AAG, Punjab.

NIRMALJIT KAUR, J. (ORAL

This contempt petition has been filed for non-compliance of the order dated 17.05.2013 vide which a Division Bench of this Court in LPA No. 447 of 2009 gave a direction to the Collector to make alternative allotment to the tenant(s) in case surplus area or any other and is available within the district concerned.

Short reply by way of affidavit of Dr.Amandeep Kaur PCS, Assistant Commissioner of State Tax, Amritsar-I formerly Sub Divisional Magistrate-cum-Assistant Collector 1st Grade,Tarn Taran has been filed on behalf of respondent No.1 in Court today and the same is taken on record. As per the said reply the order dated 17.05.2013 was never brought to the notice of the Collector who was required to make alternative allotment of land to the tenants. The argument of leaned counsel for the petitioner is that the Assistant Collector Grade I could not have dismissed his prayer for

allotment of the alternative land and the said order dated 17.05.2013 was in the knowledge of the Assistant Collector Grade-I and he too was required to comply with the order, if not the Collector. The said argument does not help as the very application before the concerned authority i.e. the Assistant Collector was for restoration of possession and not a prayer for grant of alternative land.

Accordingly the contempt petition is dismissed.

Rule issued against the respondents stands discharged.

However, the petitioner is at liberty to approach the Collector concerned along with the orders of this Court for necessary compliance, of so desired.

(NIRMALJIT KAUR)
JUDGE

15.05.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No