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

**\*\*\*\***

**COCP No.506 of 2017  
Date of Decision: 09.07.2019**

K.K. Aggarwal

Petitioner

Versus

Balaji Joshi, IAS, Deputy Commissioner-cum-Estate Officer,  
Chandigarh

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. R.S. Guron, Advocate  
for the petitioner.

Mr. Vikas Chatrath, Standing Counsel, UOI  
for the respondent.

**\*\*\*\***

**AVNEESH JHINGAN, J (Oral):**

The present contempt petition has been filed pleading wilful disobedience of order dated 26.11.2014 passed by this Court in CWP No.12401 of 1999 and order dated 28.01.2016 passed in COCP No.2312 of 2015.

Brief facts of the case are that Coal Depot Site of the petitioner was resumed. The order was challenged and ultimately vide order dated 26.11.2014 passed in CWP No.12401 of 1999, this Court set aside the order of resumption. Thereafter, in the year 2015, the petitioner submitted a plan for re-erection of the building. Vide letter dated 14.08.2015, the petitioner was informed that no

action can be taken on the plans submitted as the Site was resumed. A contempt petition bearing COCF No.2312 of 2015 was filed same was disposed of on 28.01.2016 and petitioner showed his willingness to give his undertaking to the respondent that he would be bound by order of SLP preferred by the Chandigarh Administration against order dated 26.11.2014 of this Court.

This Court disposed of the contempt petition with the direction that on furnishing of undertaking within two weeks, the respondent shall issue revised building plan to the petitioner in accordance with law within a period of four weeks thereafter. It would be pertinent to mention here that SLP filed by the Chandigarh Administration was disposed of on 12.02.2016.

The grievance raised now is that inspite of specific order passed by this Court, the revised site plan has not been issued to the petitioner.

Learned counsel for the respondent states that after submission of the plan, five objections were raised by the Estate Officer exercising power of Chief Administrator, Chandigarh. The said objections needed to be removed before the plan could be issued.

Objection No.3 is reproduced below:-

*3. Shop/Booth marked area in submitted/scrutinized plans constructed upto 39'-41 1/2" against 35'-1 1/2" which is marked green still exist at site and red marked proposals not started in booth/shop marked area. Public verandah flooring of shop and right hand side booth raised upto 3".*

At this stage, learned counsel for the petitioner states that out of five objections, four objections have been removed. With regard to objection No.3, he states that there is error in the subsequent zoning plan made by the Chandigarh Administration. He further states that there is error on the part of Chandigarh Administration on the subsequent zoning plan.

Without adverting into the controversy any further, at this stage, it cannot be held that a case is made out for wilful disobedience of orders of this Court as directions were to issue revised plan in accordance with law.

There is dispute germaning from subsequent zoning plan vis-à-vis objection No.3 quoted above. This gives rise to fresh cause of action to the petitioner.

Learned counsel for the petitioner states that liberty be granted to avail remedies in accordance with law for redressal of grievance against the subsequent zoning plan.

In view of above discussion, the contempt petition is disposed of. Rule issued against the respondent is discharged. The petitioner shall be at liberty, as prayed for.

**[AVNEESH JHINGAN]  
JUDGE**

**July 09, 2019**

*pankaj baweja*

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