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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-493-2018

DATE OF DECISION: 09.09.2019

PREM NATH

.. PETITIONER

VERSUS

ANAND MOHAN SHARAN AND ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Sandeep S.Mann, Senior DAG, Haryana.

Mr. Deepak Manchanda, Advocate
for respondent No. 3.

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed alleging wilful disobedience of the order dated 07.02.2017 passed by this Court in CWP No. 22713 of 2013. The operative part of the order is reproduced below:

“In my view, there is no need to even direct the respondent(s) to reconsider the case of the petitioner(s) keeping in view the aforementioned provisions, instead direction is issued, the application of the petitioner(s) for the allotment of the shops in their occupation concededly drawing a rent less than Rs. 500/- from the date prevailing, when the applications were submitted, shall be considered.

For the foregoing reasons, the impugned orders under challenge are hereby set aside and the writ petitions stand disposed of.

Let this exercise be done within a period of four months from the receipt of the certified copy of this order.”

Pursuant to notice of motion, status report is filed. Alongwith the status report, letter No. 8/01/2018-1C1 dated 29.04.2019 has been annexed wherein an area of 36.666 Sq. Yards at the rate of Rs. 95,000/- per sq. yard as Collector rate + Development charges (Commercial) has been allotted to the petitioner.

Learned counsel for the petitioner, *inter alia*, states that the respondents have erred in charging present rate rather it should be at the rates prevailing when the application was submitted.

The said contention of the learned counsel for the petitioner does not fall within the ambit of the present contempt petition. The direction of this Court was only to reconsider the case of the petitioner keeping in view of the provisions of Section 423 (2) of the Haryana Municipal Corporation Act, 1994. It is well settled that in contempt proceedings, the Court has to restrict itself within the four corners of the directions given in the order alleged to have been flouted.

The contempt petition is disposed of as infructuous as the directions of this Court have been complied. However, in case, the petitioner is aggrieved of the allotment, price, etc., he would be at liberty to avail remedies in accordance with law.

Rule issued against the respondents is discharged.

9th September, 2019

shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*