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

**COCP No.657 of 2019 (O&M)
Date of Decision: 17.12.2019**

Shri Chand

Petitioner

Versus

Ram Kumar and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Ravinder Kumar Manaise, Advocate
for the petitioner and
Shri Chand-petitioner in person.

Mr. S.S. Khurana, Advocate
for respondents No.1 to 7.

Mr. A.K. Yadav, Advocate
for respondents No.11 and 12.

Mr. Sandeep S. Mann, Sr. D.A.G., Haryana.

AVNEESH JHINGAN, J (Oral):

The brief facts necessary for adjudication of the present contempt petition are that there is dispute going on between petitioner and his brothers with regard to partition of the land. As a result of the dispute, FIR was registered at Police Station Sadar, Rewari. The petitioner filed CRM-M No.32466 of 2017 (hereinafter referred to as 'main petition') seeking quashing of charge sheet dated 03.07.2015; quashing of order dated 25.08.2017 and for expeditious disposal of trial. In the meantime, CRM-M No.32933 of

2017 was filed seeking protection of life and liberty. The petition filed apprehending danger to life and liberty was disposed of 14.09.2017. The Superintendent of Police, Rewari was directed to look into the grievance and if required, necessary action was to be taken in accordance with law. In the main petition, on 29.05.2017, the trial Court was directed to dispose of the trial within six months. Thereafter, on 25.04.2018 the Court was informed that petitioner has been acquitted in the trial, however, directions were issued to the Deputy Commissioner, Rewari to grant personal hearing to the petitioner with regard to grievance of harassment and he being debarred from cultivating his two and a half acres of land situated at Village Nayagaon, District Rewari. The revenue officials were directed to conduct demarcation. On 24.08.2018, the main petition was disposed of on the basis of statement made by learned counsel for the petitioner that he has been acquitted by the trial Court. However, liberty was granted to the petitioner to file fresh petition in case he feels any threat to the life and liberty.

The grievance raised in the contempt petition is that demarcation as per directions of this Court, has not been carried out and that threat to his life and liberty is still existing.

Learned State counsel submits that demarcation cannot be carried out as there is civil litigation going on between the co-sharers and proceedings are still pending. It is argued that by way of demarcation, petitioners want possession of specific area from the joint estate which is not possible at this stage.

It is further submitted that in case any request is made with regard to threat of life and liberty, same would be considered as per directions of this Court.

Learned State counsel, on instructions, submits that reasoned order for not carrying out demarcation will be passed within six weeks and communicated to the petitioner.

No case is made out for wilful disobedience in the present case.

The main petition was disposed of as infructuous on the basis of statement given by learned counsel for the petitioner. Moreover, this Court while disposing of the petition as infructuous, gave liberty to file fresh petition in case there was any apprehension with regard to threat to life and liberty, no such petition has been moved till date.

So far as the grievance with regard to demarcation and the land in dispute is concerned, there are reasons with the revenue officials for not doing so at this stage and for that an order would be passed within six weeks from today.

In view of above, the contempt petition is disposed of with liberty to the petitioner to avail remedies in accordance with law, against the order of revenue officials.

It is further informed that petitioner has moved an application for recalling of order dated 24.08.2018. Needless to add that the petitioner would be at liberty to raise his grievances in the said proceedings.

Since the main case is disposed of, the pending civil miscellaneous application is disposed of as infructuous.

[AVNEESH JHINGAN]
JUDGE

December 17, 2019

pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |