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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-1056-2019

DATE OF DECISION: 11.09.2019

BALBIR SINGH @ BALLU

.. PETITIONER

VERSUS

ARJAN SINGH AND ORS.

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nand Lal Sammi, Advocate
for the petitioners.

Mrs. Amandeep Soni, Advocate
for respondent No. 1.

Mr. Kirpal Singh Thakur, Advocate for
Mr. Abhilaksh Grover, Advocate
for respondents No. 2 and 3.

AVNEESH JHINGAN, J. (Oral)

This contempt petition has been filed for wilful disobedience of interim protection granted by this Court and clarified on 30.05.2018 passed in CM-1460-CII-2018 in Civil Revision No. 2624 of 2009. The relevant part is reproduced below:-

“The perusal of the file shows that in fact respondent No. 5 has filed suit for permanent and mandatory injunction, which was dismissed by the trial Court. Vide order dated 14.05.2009, this Court directed the parties to maintain status quo regarding possession of the disputed property. Therefore, it is clarified that this status quo order will not debar the Electricity Authority from considering any application for installation of electric connection and taking decision thereon, notwithstanding the status quo order dated 14.05.2009 passed by this Court.”

The facts in brief are that a suit for permanent injunction was filed by respondent No. 1. The same was dismissed by the Wakf Tribunal. Aggrieved of the dismissal, Civil Revision No. 2624 of 2009 was filed and a status quo order was passed. The petitioner (in the present contempt petition) had applied for an electricity connection in the disputed property. Connection was not installed as there was a status quo order by this Court. An application was moved for clarification. The order was clarified on 30.05.2018, the relevant portion of the said order is quoted above. After the clarification of the order, the electricity connection was installed in June, 2018.

Thereafter, application was moved by the Wakf Board on 17.10.2018 to the Electricity Board raising the grievance that electric connection was wrongly given as the consumer was neither owner nor the lessee/tenant. In pursuance to the said application, the electricity connection was disconnected on 03.11.2018. The petitioner (in the contempt petition) moved an application in the pending Civil Revision. The application was dismissed vide order dated 07.01.2019. The said order was challenged by filing a SLP and the same was also dismissed. The present contempt petition has been filed raising a grievance that the Electricity Department, in spite of directions of this Court that the electricity connection be granted, has disconnected the same without the permission of the Court.

Pursuant to the notice of motion, respondent No. 1 has filed a reply but respondents No. 2 and 3- Electricity Department's officials have chosen not to file any reply.

Learned counsel for the petitioner argues that the orders of this

Court dated 07.01.2019 and 30.05.2018 are contradictory.

After arguing for some time, learned counsel for the petitioner restricts his prayer to the fact that Electricity Department has not passed any formal order for disconnecting the electricity connection. He states that the petitioner would be satisfied, if a reasoned order is passed and communicated to the petitioner and a liberty is granted to avail remedies in accordance with law.

Learned counsel for respondents No. 2 and 3 states that a speaking order in accordance with law would be passed within three weeks from today and will be communicated to the petitioner.

In view of the above, the contempt petition is disposed of. Respondents No. 2 and 3 would pass an order detailing the reasons for disconnection of the electricity connection installed in June, 2018.

In case, the petitioner is aggrieved, he would be at liberty to avail remedies in accordance with law against the said order passed.

Disposed of.

11th September, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*