

326

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

**COCP No.1493 of 2007
Date of Decision: 04.12.2019**

Bhupinder Singh and others

Petitioner

Versus

Mohinder Pal Arora, Commissioner, Municipal Corporation, Amritsar
and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lalit Kumar, Advocate for
Mr. Ashwani Talwar, Advocate
for the petitioner.

Mr. Vaibhav Sharma, Advocate for
Mr. Sanjiv Gupta, Advocate
for the interveners.

AVNEESH JHINGAN, J (Oral):

The petition under Section 10 and 12 of the Contempt of Courts Act, 1971 is filed pleading wilful disobedience of order dated 23.12.2006 of this Court.

The brief facts are that petitioners filed a writ petition seeking directions to the respondents for removal of illegal encroachments in residential colony i.e. Arjan Nagar, Patiala. The petition was disposed of on 23.12.2006. The respondents were directed to decide the legal notice dated 24.10.2006 by passing a speaking order. It was further ordered that in case request of the petitioners was accepted, the respondents shall take necessary

steps.

In pursuance to the directions of this Court, order dated 27.06.2007 was passed wherein seven encroachments were identified.

The contempt petition was filed stating that encroachments mentioned in the order dated 27.06.2007 were not completely removed.

In the reply and the affidavit/status report filed during the pendency of the contempt petition, the respondents have taken specific stand that all the encroachments identified in order have been removed.

Learned counsel for the petitioners raises grievance that in spite of removing encroachments, still some part of it is left. For substantiating the same, certain photographs have been placed on record.

It would be pertinent to note here that directions of this Court have been complied with substantially. The notice given by the petitioner was decided and demolition carried out thereafter. The fact that demolition was carried out is not disputed by the petitioners. The grievance is raised that some of encroachments/part of encroachments are still left. There is no positive reliable evidence to establish the same. The onus for proving the violation of the order is on the person alleging so. The photographs annexed nowhere establish as to when these were clicked and to which place they belong.

Learned counsel for the petitioners is not in a position to state that in case any grievance was surviving, any proceedings/ remedial measures were taken by the petitioners since 2007 for redressal of the said grievance.

In such circumstances, no interference is called for in the contempt petition.

Disposed of.

However, in case the petitioners bring any encroachment to the notice of municipal authorities concerned, there is no doubt that same would be dealt with by the respondents in accordance with law.

**[AVNEESH JHINGAN]
JUDGE**

December 04, 2019

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