

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 2751 of 2019

Date of decision: 23.9.2019

Rajiv Gandhi Charitable Trust

.. Petitioner

v.

Sudhir Rajpal

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. Kartikeya, Advocate for the petitioner.

Mr. Deepak Sabherwal, Advocate for the respondent.

..

AVNEESH JHINGAN, J. (Oral)

The petitioner filed a writ petition raising a grievance that it is not in a position to respond to the notice in the absence of relevant documents that are required to be furnished. The writ petition was disposed of with the following directions:

- “1. The petitioner shall make a detailed application to respondent No. 1 with particulars of the documents that he seeks, within a period of one week from today, upon which the respondent No. 1 shall provide the requisite documents within four weeks thereafter.*
- 2. The petitioner shall submit his response within 6 weeks after the receipt of requisite information/documents.*
- 3. The respondent No. 1 on receipt of the reply furnished by the petitioner shall pass a speaking order after affording an opportunity of hearing to the petitioner and till that time no coercive action against the property of the Trust shall be resorted to by the respondents.*

Ordered accordingly.

We also make it clear that the language of the notice through suggestive of predetermining the issue shall not be construed as such and a speaking order as indicated

above shall be passed.”

Short reply dated 19.9.2019 by way of affidavit of Mr. Sudhir Rajpal, IAS, Principal Secretary to Government Haryana, Development and Panchayats Department filed in Court is taken on record, copy handed over to learned counsel for the petitioner.

As per the reply filed, entire information has been provided to the petitioner.

Learned counsel for the petitioner states that certain information relating to the office of Deputy Commissioner has not been provided. He further states that letter dated 4.9.2019 is not being received by the petitioner. His further grievance is that the petitioner had provided certificate along with letter dated 27.12.2017 but copy of the same has not been provided.

Learned counsel for the respondent has handed over copies of letter dated 27.12.2017 and 4.9.2019 to learned counsel for the petitioner in Court.

There is an interim protection in favour of the petitioner, the entire endeavour is only to delay the matter. The information with regard to other departments is also being pressed, for which there was no direction by this Court.

In order to balance the equities, the petitioner is provided four weeks' time from today to file the reply. On filing the reply, the respondent shall pass a speaking order within four weeks thereafter, complying with the direction of this Court. In case there is any delay attributed to the petitioner in filing the reply, the interim protection granted by this Court shall be deemed to be vacated.

The contempt petition stands disposed of.

(AVNEESH JHINGAN)
JUDGE

23.9.2019
mk

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