

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

203

**COCP No. 2690 of 2016 (O&M)
Date of Decision: March 05, 2020**

Chander and another

.....PETITIONERS

VERSUS

D.S.Dhesi and others

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Satyapal Khatri, Advocate
for the petitioners.

Mr. Deepak Balyan, Advocate
for respondents No. 1 and 2.

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

SURINDER GUPTA, J.(Oral)

Heard.

The petitioners are seeking initiation of contempt proceedings against the respondents for violation of the order dated 19.01.2016 passed in CWP No. 21659 of 2014 which reads as follows:-

The hearing of the present petition is adjourned sine die with a direction to post the writ petition for hearing after the decision of Hon'ble Supreme Court in Civil Appeal No. 4835 of 2015 titled State of Haryana and another V. Maharana Partap Charitable Trust.

The liberty is given to the parties to apply for hearing of the petition after decision of the aforesaid Civil Appeal as well.

The parties shall maintain status quo regarding possession till further orders.

Learned counsel for the petitioners submits that possession of three acres of land comprising in killa No. 83//4/2, 5/1, 5/3, 84//1, 84//10/1, was forcibly taken by the respondents after destroying the crops of the petitioners on 25.09.2016.

Refuting the submission of learned counsel for the petitioners, learned counsel for the respondents submits that possession of the aforesaid land was already taken in the year 2006 and in support of his contention, he has referred the copies of Jamabandi (Annexure R-1) and Khasra Girdawri (Annexure R-5). He has further argued that the land was acquired for construction of Eastern Peripheral Expressway and the matter was subjudice before the Hon'ble Supreme Court in L.A. Nos. 344, 345, 355 in Writ Petition No. 13029 of 1985 titled as ***M.C. Mehta Versus Union of India and others*** in context of construction of Western Peripheral Expressway and directions were issued by the Hon'ble Apex Court to expedite the completion of the project before July, 2018. It was also directed that no Court or Tribunal shall pass any orders which would come in the way of implementation of the aforesaid project.

Learned counsel for the petitioners has drawn my attention to a publication of a news item in newspaper "Sonipat Bhaskar" in support of his contention that possession was forcibly taken on 25.09.2016. He has, however, not been able to point out or to show any revenue record in support of his contention that possession of the land was with the petitioners. He has also not been able to refute entry in the Jamabandi and

Development Authority over the suit land. In para 5 of the reply filed on behalf of respondent No. 8, a specific plea was taken as follows:

That the Hon'ble Supreme Court of India has established in L.A. Nos. 344, 345 and 355 in Writ Petition No. 13029/1985 titled as M.C.Mehta V/s Union of India & Ors. in context of construction of Western Peripheral Expressway which is reproduced as follows:-

“We make it clear that no Court/Tribunal including Arbitral Tribunal shall pass any orders which would come in the way of the implementation of the aforesaid project without the express leave of this court”.

And in re: Construction of Eastern Peripheral Expressway, the NHAI was directed by the Hon'ble Supreme Court to complete the Eastern Peripheral Expressway before July, 2018.

In order to make out that order of status quo dated 19.01.2016 has been violated, the petitioners were first required to prove that they were in possession but no documentary evidence in support of their contention has come on record. News item in a vernacular newspaper cannot be considered as evidence in support of contention of learned counsel for petitioner.

In view of directions of the Hon'ble Apex Court in the case of **M.C. Mehta (Supra)** the project was to be completed before July, 2018 and there was specific direction not to pass any orders which would come in the way of implementation of aforesaid project. So far as respondents No. 1 and 2 are concerned they were party in CWP No. 21659 of 2014 in which order dated 19.01.2016 was passed but respondents No. 3 to 8 are not even the parties and there was no direction qua them.

In view of the aforesaid facts, I find no reason to initiate any

proceedings against respondents as per provisions of Sections 11, 12 of the Contempt of Courts Act, 1971.

This petition has no merits.

Dismissed. Rule discharged.

(SURINDER GUPTA)
JUDGE

March 05, 2020

Jyoti-II

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

Whether Reportable: ***Yes/No***