

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

COCP No. 1140 of 2020
Date of decision: 24.06.2020

Jaspal Singh and others

.....Petitioners

V/s.

Ms. Nazuk Kumar

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Charanpal Singh Bagri, Advocate,
for the petitioners.

Mr. Anil Mehta, Advocate, and
Ms. Aakansha Sahni, Advocate, for the respondent.

Sanjay Kumar, J.

This contempt case was instituted under Sections 10 and 12 of the Contempt of Courts Act, 1971 (*hereinafter*, 'the Act of 1971'), alleging that the respondent committed wilful disobedience to the interim order dated 18.05.2020 passed by a Division Bench of this Court in CWP No. 25187 of 2019.

Perusal of the said order reflects that notice was issued on admission as well as in Civil Miscellaneous Application No. 4738 of 2020. The order also recorded that Ms. Aakanksha Sawhney, Standing Counsel for Union Territory, Chandigarh, accepted notice on behalf of the respondents in the writ petition and prayed for time to file a response.

Significantly, no order was passed to the effect that the land

acquisition award should not be pronounced, in terms of the prayer made in Civil Miscellaneous Application No. 4738 of 2020.

Mr. Charanpal Singh Bagri, learned counsel, would however contend that once the counsel accepted notice on behalf of the respondents in the writ petition and sought time to file a response to the Civil Miscellaneous Application, the respondent herein ought not to have pronounced the award. He would assert that such conduct on the part of the respondent is contumacious and would amount to civil contempt, as defined under Section 2 (b) of the Act of 1971.

This Court is however not persuaded to agree. Civil contempt, as defined in Section 2(b) of the Act of 1971, means wilful disobedience to any judgment, decree, direction, order, writ or other process of the Court. Therefore, there must be disobedience to a positive mandate or direction. In the case on hand, notice was ordered upon the stay application but the respondents were not interdicted from proceeding further in the matter. In the absence of a positive direction, this Court finds no disobedience, much less wilful disobedience, warranting invocation of contempt jurisdiction under Sections 10 and 12 of the Act of 1971.

That having been said, this Court must note that notice had been ordered on the stay application and a learned counsel accepted notice on behalf of the respondents on such stay application. In such circumstances, principle of propriety required that the respondent await the outcome of the stay application. All the more so, as the matter was pending before a Division Bench of this Court. However, the breach of propriety by the respondent would not amount to commission of contempt. In effect, this

contempt case is misconceived in its very inception and is accordingly dismissed.

This order shall however not preclude the petitioners from pursuing suitable remedies available to them in law before the appropriate forum.

(SANJAY KUMAR)
JUDGE

24.06.2020

rakesh
whether speaking/non speaking : Yes/no
whether reportable/non reportable : Yes/no