

COCP-1304-2020 (O&M)

Date of Decision : 07.10.2020

Punjab Wakf Board

...Petitioner

Versus

Ganga Ram

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Pankaj Kundra, Advocate for the petitioner.
Mr. Rohit Mittal, Advocate for the respondent.

B.S. Walia, J. (VC)

Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

CM No.8959-CII of 2020***Allowed***, as prayed for.

Reply is taken on record.

COCP No.1304 of 2020

1. Prayer in the petition under Sections 11 & 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, is for action against the respondent for willful disobedience of the orders of this Court (Annexure P-1), dated 02.04.2014, (Annexure P-2) dated 03.02.2016 and (Annexure P-3) dated 16.10.2019, passed in RSA No.1730 of 2014 in case titled as 'Punjab Wakf Board now Haryana Wakf Board versus General Public and others' as the respondent is carrying on construction on the suit land in derogation of the orders of *status quo* as referred to above passed by

this Court.

2. Paragraph Nos.4 & 5 of the preliminary submissions of the reply reads as under:-

“4. It is most humbly submitted that in the present case no approval was taken for the construction which has been made as per the photographs and the same has been done by one Rakesh Kumar s/o Ramjilal who is maintaining the suit land under dispute right now which has been used for cow shelter as gaushala, and was under belief that status quo permitted to take care of the cows as were being vulnerable to getting lost and hounded by bulls and stray dogs due to no boundary wall. Upon having received the contempt notice he was immediately called upon by committee and was made aware of the consequences.

5. It is most respectfully and in highest regards to the majesty of this Hon’ble Court humbly submitted that the Samiti and all its members hold the Hon’ble Court and its ‘status quo’ order in highest regards and hereby tender an unconditional, unqualified apology for the construction made on the site and are ready to demolish the same as the Hon’ble Court may direct and even other wise have formed a committee to bring down all the illegal construction made after status quo order in terms of the order dt. 02.04.2014, 03.02.2016 and 16.10.2019 passed by this Court in RSA No.1730 of 2014 titled as Punjab Wakf Board now Haryana Wakf Board vs. General Public & others.”

3. Learned counsel for the petitioner states that in view of the aforementioned undertaking of the respondent to bring down the illegal construction made after the passing of order of *status quo* in terms of order of this Court (Annexure P-1), dated 02.04.2014, (Annexure P-2) dated 03.02.2016 and (Annexure P-3) dated 16.10.2019, in RSA No.1730 of 2014 in case titled as ‘Punjab Wakf Board now Haryana Wakf Board versus

General Public and others' he does not press the contempt petition and the same may be disposed of in terms of the undertaking of the respondent.

4. In the light of the position as noted above, the contempt petition is disposed of, as not calling for any orders except to direct the respondent to adhere to its stand in paragraph Nos.4 & 5 of the preliminary submissions of its reply and to bring down all the illegal constructions made after the orders of *status quo* (Annexure P-1), dated 02.04.2014, (Annexure P-2) dated 03.02.2016 and (Annexure P-3) dated 16.10.2019, in RSA No.1730 of 2014 in case titled as 'Punjab Wakf Board now Haryana Wakf Board versus General Public and others' within 02 weeks from today.

5. Contempt petition is ***disposed of*** in the aforementioned terms.

(B.S. Walia)
Judge

October 07, 2020

'Rajneesh-Amit'

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