

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COC-1329-2020

Date of Decision:-20.08.2020.

Om Trading Company

.....Petitioner

Versus

Tarun Kumar Pawaria, Sub Divisional Magistrate, Bahadurgarh, District
Jhajjar, Haryana.

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional A.G., Haryana.

SANJAY KUMAR, J. (Oral)

This contempt case was instituted alleging willful disobedience to the order dated 30.01.2020 passed by this Court in **CWP-2502-2020**.

The grievance of the petitioner in that writ petition was that though it had moved the Court of the Sub-Divisional Magistrate, Bahadurgarh, District Jhajjar, Haryana, under the provisions of Section 133 Cr.P.C., no action had been taken thereon. When the matter was taken up for hearing by a Division Bench of this Court on 30.01.2020, the learned State counsel informed the Bench that the grievance of the petitioner would be looked into at the earliest. In the light of this statement, the Division Bench disposed of the writ petition.

This contempt case was filed on 13.07.2020 alleging inaction,

despite the assurance given to the Division Bench by the State counsel.

Mr. Tarun Kumar Pawaria, Sub-Divisional Magistrate, Bahadurgarh, District Jhajjar, Haryana, filed a reply stating that the case was decided on 24.07.2020. He further stated that the case had been delayed for various reasons and also due to the fact that he was involved in handling the situation caused by the COVID-19 pandemic at Bahadurgarh, District Jhajjar. As the delay was not properly explained and the officer did not even offer any apology in relation thereto, the matter was adjourned on 31.07.2020 to enable him to file an additional reply.

Pursuant thereto, Mr. Tarun Kumar Pawaria, Sub-Divisional Magistrate, Bahadurgarh, filed additional reply dated 18.08.2020. Therein, he set out the various steps during the hearing of the petition filed under Section 133 Cr.P.C and explained at length, the reasons for the delay. He also offered his unconditional apology in the event this Court found any delay on his part in taking action.

It may be noted that this Court did not fix a time frame for disposal of the petition filed under Section 133 Cr.P.C. and only the assurance given by the State counsel was recorded to the effect that it would be looked into at the earliest. That being so, there is no evidence of deliberate or willful contumaciousness on the part of the respondent, warranting exercise of contempt jurisdiction. All the more so, as the prevailing situation caused by the COVID-19 pandemic has put the administration on its toes and the various emergencies arising in relation thereto require to be given top-most priority.

The contempt case is accordingly disposed of, leaving it open to the petitioner to take recourse to appropriate remedies in accordance with

Sub-Divisional Magistrate, Bahadurgarh, District Jhajjar, Haryana, in the
petition filed under Section 133 Cr.P.C.

No order as to costs.

(SANJAY KUMAR)
JUDGE

August 20, 2020.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.