

In the High Court of Punjab and Haryana, at Chandigarh

COCN No. 1403 of 2020

Date of Decision: 27.07.2020

The Ludhiana Sant Fateh Singh Nagar Cooperative House Building Society
Limited

... Petitioner(s)

Versus

Sh.Varinder Kumar Sharma and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. G.S.Ghuman, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

The petitioner-Society has filed the present petition under Section 11 & 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as “the 1971 Act”) for initiating the contempt proceedings against the respondents and thereafter, punish them.

On 21.10.2016, in the Civil Writ Petition No. 21949 of 2016, the following order was passed:

“Having heard the learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the Municipal Commissioner, Municipal Corporation, Ludhiana-respondent No.2 and Sub Registrar, Office of the Deputy Commissioner, Ludhiana-respondent No.4 are directed to look into the matter, consider the grievance of the petitioner,

raised vide its representations of even date, i.e. 20.2.2014 (Annexures P-1 and 2) and decide the same, at an early date by passing an appropriate order thereon, strictly in accordance with law, but in any case within a period of three months from the date of receipt of a certified copy of this order”.

It is asserted in the petition that on 12.06.2017, the Sub Registrar (West), Ludhiana, pursuant to the directions passed by this Court, passed an order directing that no sale deed would be registered with regard to the immovable property of the members of the Society without obtaining the “No Objection Certificate” from the Society.

Learned counsel for the petitioner contends that inspite of the aforesaid order passed by the Sub Registrar (West), a sale deed has been registered without obtaining the “No Objection Certificate” from the petitioner-Society.

This Court has considered the submissions, however, find that no case for initiation of the proceedings is made out. The jurisdiction of this Court, while examining a petition under Section 11 & 12 of the 1971 Act is limited. In the present case, the allegations are that the order dated 12.06.2017, passed by the Sub Registrar (West), Ludhiana, has been violated.

Learned counsel for the petitioner submits that the order dated 12.06.2017 was passed on the directions issued by this Court in Civil Writ Petition No. 21949 of 2016. Be that as it may. The order passed by this Court on 21.10.2016 has already been complied with. Hence, there is no violation of the order passed by this Court. Consequently, the petitioner is

relegated to alternative remedy to question the correctness of the sale deed before the appropriate authority.

With these observations, the present petition is disposed of.

(Anil Kshetarpal)
Judge

July 27, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No