

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

**Contempt of Court Petition No.1812 of 2019 (O&M)
Date of Decision: January 10, 2020**

Nishan Singh

.....PETITIONER(s).

VERSUS

Sumedha Kataria

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pankaj Midha, Advocate
for the petitioner (s).

Mr. Sandeep S. Mann, Sr. D.A.G., Haryana with
Ms. Hema Sharma, IAS, D.C. Panipat.

SURINDER GUPTA, J.

Petitioner seeks initiation of contempt proceedings against respondent for violation of order dated 21.02.2019 passed in CWP No.29564 of 2018, which reads as follows:-

“In compliance with the order dated 10.12.2018 passed by this Court, affidavit dated 18.02.2019 of the Deputy Commissioner, Panipat respondent No. 2 has been filed in Court. According to the said affidavit, the Additional Deputy Commissioner, Panipat was, vide order dated 15.02.2019, appointed as the enquiry officer and directed to submit a report. On enquiry, report dated 18.02.2019 (Annexure R-1) has been submitted. As per the said report, the demarcation report submitted by the Local Commissioner appointed by the then Tehsildar, Panipat vide order dated

04.08.2016 was not found to be a valid demarcation report at all as there were various illegalities and shortcomings in that report. Further details have also been mentioned in the affidavit, which the Court would not like to further elaborate in the light of the subsequent averment that the Deputy Commissioner, Panipat has already issued show cause notice to the then Tehsildar, Panipat to explain his position with reference to the report of the Additional Deputy Commissioner, Panipat dated 18.02.2019.

In the light of the above, this Court is sanguine that the Deputy Commissioner will take appropriate steps, in accordance with law, which would be required at the earliest preferably within a period of two months.

It is made clear that any observations made by this Court shall have no bearing on any of the proceedings pending or otherwise before any authority. It may be added here that the persons, whosoever concerned, may avail of their remedy(s) in accordance with law.”

Learned State counsel submits that as per enquiry report dated 18.02.2019 conducted by Addl. Deputy Commissioner, Panipat, a show cause notice was issued to Ziwender Malik, Tehsildar and after taking his reply, he was given a warning to be careful in future. Order dated 21.02.2019, as such, has been duly complied with as the respondent had taken appropriate steps in the matter in accordance with law. To redress the grievance of the petitioner, a Committee under the Chairmanship of District Revenue Officer, Panipat was constituted, which conducted the spot inspection on 02.09.2019 in the presence of both the parties and given its

report vide letter dated 24.09.2019. The petitioner had filed CWP No.14554 of 2019 which he withdrew on 16.10.2019 in order to challenge the demarcation dated 02.09.2019. In view of the above, there is no contempt of order dated 21.02.2019 passed in CWP No.29564 of 2018.

Learned counsel for the petitioner does not dispute that action has been taken against Tehsildar, Panipat and a fresh demarcation has been conducted. In order to challenge the correctness of the demarcation dated 02.09.2019, he has already opted to avail separate legal remedy, while withdrawing CWP-14554-2019 on 16.10.2019.

From the facts discussed above, no non-compliance of order dated 21.02.2019 passed in CWP No.29564 of 2018 is made out.

This petition has no merits. Dismissed.

Rule discharged.

January 10, 2020
Sachin M.

(SURINDER GUPTA)
JUDGE

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

Whether Reportable: **Yes/No**