

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

COCP No.1608 of 2020

Date of decision: September 08, 2020

Vijay Ratra

...Petitioner

Versus

Rajesh Saini, Tehsildar, Rohtak & others

...Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. N.K. Malhotra, Advocate for the petitioner.

Mr. K.K. Chahal, Addl. Advocate General, Haryana.

Ashok Kumar Verma, J.(oral)

Petitioner has preferred this contempt petition alleging violation of the order dated 28.5.2020, passed by this court in CRM-M-13048 of 2020.

Reply by way of affidavit filed by Rajesh Kumar, Tehsildar Rohtak respondent No.1 alongwith Annexures R-1 and R-2 are taken on record. At the outset, learned State counsel has submitted that the present contempt petition is liable to be dismissed as having been rendered infructuous as the respondent No.1 has not committed any contempt of the orders passed by this court. He has referred to the reply by way of affidavit of Rajesh Kumar, Tehsildar, Rohtak (respondent No.1 herein) stating therein that when he had visited the site, present petitioner was found present there, who told him about the passing of stay order by this court on 28.05.2020 in CRM-M-13048 of 2020 and he also produced a copy of the order dated 28.05.2020. After going through the orders, he came back

without taking possession or any action and as such no process of possession of factory took place. It is further mentioned therein that respondent No.1 had visited the site to perform his official duty as entrusted by the District Magistrate, Rohtak vide order dated 03.08.2020 and the orders dated 28.05.2020 were not in the knowledge of the answering respondent. It is further mentioned that respondent No.1 could never think of disobeying the orders/direction passed by the Hon'ble Court and if there was any unintentional commission or omission on his part, he tenders his unconditional apology.

Learned counsel for the petitioner has fairly conceded the aforesaid facts mentioned by respondent No.1 in his reply by way of affidavit.

In view of the aforesaid facts and circumstances, the present contempt petition is hereby disposed of as having been rendered infructuous. However, respondent No.1 is advised not to repeat such type of mistake and remain more careful in future.

(ASHOK KUMAR VERMA)
JUDGE

September 08, 2020
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No