

COCP No.1626 of 2020

Date of Decision : 04.12.2020

Dharmender and others

...Petitioners

Versus

Mahavir Singh

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Kuldeep Sheoran, Advocate for the petitioners.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

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

2. Prayer in the petition under Sections 11 & 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondent for not complying with order, Annexure P/1 dated 04.10.2019 in CWP No.29084 of 2019.

3. Learned counsel for the petitioners contends that vide order, Annexure P/1 dated 04.10.2019, CWP No.29084 of 2019 was disposed of by directing the respondent to decide representation dated 08.01.2019 by passing a reasoned and speaking order within two months of receipt of certified copy of the order and in case the representation was not decided within the aforementioned period of time, costs of Rs.25,000/- be paid by the concerned officer to the petitioners.

4. Learned counsel for the petitioners states that despite lapse of the aforementioned period of time, needful has not been done leading to the

filing of the contempt petition, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful violation of order dated 04.10.2019 in CWP No.29084 of 2019.

5. Per contra, learned State counsel has placed on record reply along with copy of order dated 03.12.2020, Annexure R-1 deciding representation dated 08.01.2019 submitted by the petitioners. The aforementioned reply and order are taken on record. Copy thereof supplied to learned counsel for the petitioners.

6. Learned counsel for the petitioners after perusal of the order dated 03.12.2020 (Annexure R-1) states that he does not press the contempt petition and the same may be disposed of as such at this stage with liberty to the petitioners to challenge order dated 03.12.2020 by way of appropriate proceedings in accordance with law while directing the respondent to make payment of costs of Rs.25,000/- in view of decision on the representation dated 08.01.2019 having been passed beyond the period of time stipulated in order dated 04.10.2019 in CWP No.29084 of 2019.

7. Learned State Counsel states that the respondent is in the process of moving an application for modification of order dated 04.10.2019 in CWP No.29084 of 2019 qua direction to pay costs of Rs.25,000/-, therefore some time be granted and costs of Rs.25,000/- as payable in terms of order dated 04.10.2019 in CWP No. 29084 of 2019 would be paid subject to the outcome of application for modification of the order dated 04.10.2019 in CWP No.29084 of 2019.

8. In view of the statement of learned counsel for the parties, the contempt petition is disposed of as not pressed at this stage while granting

liberty to the petitioners to challenge order dated 03.12.2020 (Annexure R-1) by way of appropriate proceedings in accordance with law and the respondent four weeks time to make payment of costs in terms of order dated 04.10.2019 in CWP No.29084 of 2019. However, in case the needful is not done within the stipulated period of time, the petitioner would be at liberty to move an application for revival of the contempt petition.

December 04, 2020

'Rajneesh-Amit'

(B.S. Walia)

Judge

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>