

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

**COCP No.1859 of 2020
Date of decision:11.09.2020**

Bhullar (Bhaichara) Sabha, Baba Bhullar
Samadian Marddi (Regd.) Mandi Phul,
District Bathinda through the Intijamia Committee
(regd.) and President Surjit Singh Bhullar ... Petitioner

Vs.

Navdeep Kumar, PCS, Sub Divisional Magistrate,
Phul, Tehsil Phul, District Bathinda and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Lupil Gupta, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The present petition has been filed under Sections 10 and 12 of the Contempt of Courts Act, 1971 for initiating the contempt proceedings against the respondents for willful and intentional dis-obedience of the order dated 10.09.2019 (Annexure P-1) passed by this Court in CRM-M-24946 of 2017.

Counsel for the petitioner has been heard and the paper book has been perused with his able assistance.

This Court, vide order dated 10.09.2019 disposed of CRM-M-24946 of 2017, Bhullar (Bhaichara) Sabha Vs. Manager, Shiromani

Gurudwara Prabandhak Committee and another and passed the following order:-

“In view of the consent of the parties, the present petition is disposed of with the following directions:-

(i) The parties would be given opportunity to lead evidence in terms of Sub-Section 4 of Section 145 Cr.P.C and thereafter the SDM would decide the issue afresh and in accordance with law.

(ii) Status-quo shall be maintained till the disposal of the matter by the SDM.

(iii) SDM concerned is directed to decide the matter within a period of six months from the date of receiving a certified copy of this order.”

In compliance of the said order, the Sub Divisional Magistrate, Rampura Phul, District Bathinda-respondent No.1, vide order dated 19.03.2020 (Annexure P-9) disposed of the proceedings under Sections 145(1) and 146(2) Cr.P.C. by coming to the conclusion that the petitioner had been in possession of the land in dispute prior to the Kalandra and initiation of the proceedings under the said provisions were meaningless. He ordered that the proceedings under Sections 145(1) and 146(2) are liable to be withdrawn and directed the Receiver Tehsildar, Rampura Phul to hand over the possession of the land to the petitioner as per law.

With the passing of the order dated 19.03.2020 (Annexure P-9) by the SDM-respondent No.1, the directions passed by this Court stood

complied with.

The grievance raised by the petitioner is that pursuant to the aforesaid order (Annexure P-9), the petitioner submitted representations dated 01.06.2020 (Annexure P-10) and 11.06.2020 (Annexure P-11), but possession of the land has not been handed back to the petitioner. The order dated 19.03.2020 (Annexure P-9) has been passed by SDM-respondent No.1 in exercise of the power vested in him under Sections 145/146 of the Code of Criminal Procedure, the petitioner would be at liberty to avail appropriate remedy in accordance with law. No case for initiation of the contempt proceedings is made out.

The petition is accordingly dismissed.

(SUVIR SEHGAL)
JUDGE

September 11, 2020
savita

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No