

COCP No.2393 of 2020

Date of Decision : 05.11.2020

Anil Kumar and another

...Petitioners

Versus

Ashok Kumar Sharma

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Dhruv Gupta, Advocate for the petitioners.

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. Learned counsel contends that vide order (Annexure P-4) dated 17.06.2020, CWP No.8188 of 2020 was disposed of by directing the Deputy Commissioner, District Ambala to look into complaint dated 06.03.2020 submitted by the petitioners and take appropriate action in respect thereto, in accordance with law, but despite lapse of sufficient period of time, complaint dated 06.03.2020 has not been decided nor has action in respect thereto been taken in accordance with law, therefore, the respondent is liable to be punished for violation of the orders of this Court dated 17.06.2020 in CWP No.8188 of 2020.

3. Notice to the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him for non

compliance with the orders of this Court dated 17.06.2020 in CWP No.8188 of 2020.

4. Mr. Vivek Chauhan, learned Addl. A.G., Haryana, accepts notice and on instructions from the respondent states that complaint dated 06.03.2020 has been decided and encroachments complained of by the petitioners have been found, consequentially, the Municipal Council, Ambala has been directed to take appropriate action for removal of the encroachments, in accordance with law and in case 04 weeks more time is granted, compliance with orders (Annexure P-4) dated 17.06.2020 in CWP No.8188 of 2020 would be ensured and the encroachments got removed through the Municipal Council, Ambala.

5. The same satisfies learned counsel for the petitioners, who sates that in view of the assurance held out by the respondent through learned State Counsel, he does not press the contempt petition at this stage and the same may be disposed of as such, while granting liberty to the petitioners to move an application for revival of the contempt petition, if the circumstances of the case, so warrant.

6. In view of the statement of learned counsel for the parties, the petition is ***disposed of*** by directing the respondent to ensure removal of the encroachments in terms of orders (Annexure P-4) dated 17.06.2020 in CWP No.8188 of 2020 within 04 weeks from today. However, it is made clear that 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.

(B.S. Walia)
Judge

November 05, 2020