

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

COCp No.2716 of 2019  
Date of Decision:17.2.2020

Karnail Singh

...Petitioner

Versus

Manpreet Singh, Deputy Commissioner, Fazilka

...Respondent

**CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA**

Present: Mr.Yaseen Sethi, Advocate  
for the petitioner

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**RAJIV NARAIN RAINA, J. (ORAL):**

1. The contempt petition has been filed complaining breach of order dated 28.11.2018. Counsel for the petitioner is unable to show that the Deputy Commissioner, Fazilka, was under any statutory duty to decide the representation dated 23.10.2018. The petition was disposed by ex parte order directing decision on the representation by the Deputy Commissioner, Fazilka as mentioned in the first part of the order from which this contempt petition has been filed pleading breach of directions.

2. It cannot be possibly argued that the Deputy Commissioner, Fazilka has willfully disobeyed orders and consequently committed contempt of court for which he should be punished. Every minor deviation is not contempt and mere delay is also not contempt. There is no specific direction contained in the order dated 28.11.2018 that the speaking order will be passed in a time-bound period or by a certain date. If the petitioner has any grievance he can raise it in the proper forum in protection of Gram Panchayat land, a cause he espouses from 2015 in a barrage of complaints.

3. The petition itself was in the nature of Public Interest Litigation in the protection of the Gram Panchayat land as the petitioner was not personally aggrieved. Better it would have been, had the petitioner approached the Gram Panchayat of the village in the first instance to remove any alleged encroachments over Gram Panchayat land, if any, by private persons.

4. The eight representations, subject matter of the writ petition, were in the nature of complaints of which comprising multiple mentioned in the order spanned 2015-2018, one of these was addressed to the Secretary, Panchayats and Rural Development, Punjab and the appropriate course for the petitioner should have been to follow that path instead of approaching this Court as if it is a panacea of all ills.

5. He could file a civil suit and seek appointment of local commissioner to make a report, apply for injunctions both temporary or permanent and also mandatory injunction to the Gram Panchayat to move under the Punjab Gram Panchayat (Common Purposes) Land, Eviction and Rent Recovery Act, 1976, (Punjab Act No. 20 of 1976) or in case it applies, the Punjab Village Common Lands (Regulation) Act, 1961 for protection of common/panchayat/shamlat land. These would have been effective and wholesome remedies in case the petitioner felt seriously aggrieved.

6. No ground for initiating contempt proceedings is made out to consider committing the Deputy Commissioner, Fazilka to serve jail sentence in a contempt action. Contempt jurisdiction is not meant for arm twisting. The petitioner is at liberty to take proper legal steps in accordance with law to ventilate his grievances.

7. He may be reminded that a writ lies to execute an order passed in a writ petition under Article 226 of the Constitution or by an execution application in the writ petition in which the order was passed. Contempt petitions under the Contempt of Courts Act, 1971 are not designed to bring relief.

7. The petition is accordingly dismissed.

February 17, 2020  
*neenu*

**(RAJIV NARAIN RAINA)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable-

Yes.  
Yes/No