

COCP No.2632 -2020

Date of Decision: 27.11.2020

Amandeep Singh

...Petitioner

vs.

Sh. Girish Dayalan

...Respondent

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

Present: Mr. Nirmal Singh Khandhola, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.
2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, is for punishing the respondent for willful disobedience of order Annexure P-1 dated 02.09.2020 in CWP No.13349 of 2020.
3. Learned counsel contends that vide order dated 02.09.2020, CWP No.13349 of 2020 was disposed of by directing the Deputy Commissioner SAS Nagar Mohali, exercising the powers of Collector, SAS Nagar, Mohali, to decide the reference under Section 47-A of the Indian Stamp Act in accordance with law within two months but despite lapse of the aforementioned period of time, needful has not been done, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971.
4. Issue notice to the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him for violation of order dated 02.09.2020 in CWP No.13349 of 2020.
5. Mr. Aditya Sharda, AAG, Punjab, accepts notice on behalf of the respondent and on instructions from the respondent, states that in Mohali

it is the Additional Deputy Commissioner who is the designated competent Authority for taking a decision with regard to Reference under Section 47-A of the Indian Stamp Act and that the matter is under process before the Additional Deputy Commissioner, Mohali and in case six weeks time is granted, needful would be done and the Reference under Section 47-A of the Indian Stamp Act would be decided by the Additional Deputy Commissioner, SAS Nagar, Mohali as per law.

6. The same satisfies learned counsel for the petitioner, who states that in the circumstances, he does not press the Contempt Petition against the respondent and the same may be disposed of as such while granting liberty to the petitioner to take out appropriate proceedings in accordance with law if the needful is not done within the stipulated period of time.

7. Accordingly, in view of the statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed against the respondent in view of the assurance that the matter is under process before the Additional Deputy Commissioner, SAS Nagar, Mohali who would decide the Reference under Section 47-A of Indian Stamp Act in accordance with the provisions of law within six weeks from today. Needless to mention, in case the needful is not done within the stipulated period of time, the petitioner would be at liberty to take out appropriate proceedings in accordance with law for redressal of his grievances.

(B.S. Walia)
Judge

27.11.2020

'PS-Rajesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No