

COCN No.2700-2020

Date of Decision: 04.12.2020

Sukhdev Singh

...Petitioner

Versus

Manpreet Singh and others

...Respondents

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

Present: Mr. RVS Chugh, 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 Covid-19 pandemic.

2. Prayer in the petition under Section 12 read with Section 2-A of the Contempt of Courts Act, 1971 and Article 215 of the Constitution of India, is for initiating action against the respondents for intentional and willful disobedience of order Annexure P-1 dated 16.11.2020 in CWP No.37420 of 2019.

3. Learned counsel contends that vide order dated 16.11.2020 in CWP No.37420 of 2019, operation and effect of orders dated 26.08.2019 and 31.10.2019 suspending the petitioner as Sarpanch of Village Jhanduke was stayed, however, despite the aforementioned orders, the respondents intentionally and willfully refused to hand over charge of the post of Sarpanch of Village Jhanduke to the petitioner, consequentially, the instant contempt petition has been filed, for initiating action against the respondents under the Contempt of Courts Act, 1971.

4. Issue notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated

2019.

5. Ms. Sunint Kaur, learned AAG, Punjab, accepts notice on behalf of the respondents and on instructions from respondent No.1 states that vide order dated 01.12.2020, respondent No.3 has been directed to hand over charge of the post of Sarpanch of Village Jhanduke to the petitioner. Order dated 1.12.2020 is taken on record and copy thereof supplied to learned counsel for the petitioner, who on perusal thereof, states that in the circumstances, he does not press the Contempt Petition and the same may be disposed of as such while directing respondent No.3 to hand over charge of the post of Sarpanch of Village Jhanduke to the petitioner in a time bound manner and also granting liberty to the petitioner to move an application for revival of the contempt petition if the circumstances of the case so warrant.

6. The same is not opposed by learned AAG, Punjab who states that charge of the post of Sarpanch of Village Jhanduke would be handed over to the petitioner in terms of order dated 1.12.2020 passed by respondent No.1 shortly.

7. Accordingly, in view of the statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed at this stage while directing respondent No.3 to hand over charge of post of Sarpanch of Village Jhanduke to the petitioner in terms of order issued by respondent No.1 on or before 11.12.2020. Needless to mention, 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

December 04, 2020

'PS-Amit'