

COCP-57-2021

Date of Decision : 11.01.2021.

Pawan Kumar and others

...Petitioners

Versus

Nar Hari Singh and another

....Respondents

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

Present : Mr. Sandeep Punchhi, 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. Prayer in the petition under Sections 11 and 12 of the Contempt of Courts Act, 1971, is for punishing the respondents for intentional and willful defiance of order Annexure P/10 dated 18.08.2020.

3. Learned counsel contends that vide order Annexure P/10 dated 18.08.2020, CWP-10599-2020 was disposed of with a direction to the respondents to decide representation dated 09.12.2019, submitted by the petitioners, within six weeks of 18.08.2020, by passing a speaking / detailed order, in accordance with law, but despite lapse of the aforementioned period of time and repeated requests, needful has not been done, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971, for intentional and willful defiance of the orders as referred to above.

4. Issue notice to the respondents to show cause as to

against them for non-compliance with orders dated 18.08.2020, in CWP-10599-2020.

5. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of the respondents and on instructions from respondent No.2 states that needful could not be done as the directions dated 18.08.2020, were to the competent authority to whom the representation was made which in the instant case was respondent No. 1 whereas as per notification issued by the Government of Haryana, the Authority competent to decide the representation was the Sub Divisional Magistrate-cum-Land Acquisition Collector, Tohana, Fatehabad. Learned counsel contends that if some time is granted, the representation submitted by the petitioners would be decided by respondent No.2 and orders passed on the same would be communicated to the petitioners.

6. Learned counsel for the petitioners states that in view of the stand of the respondents that the competent authority as per notification issued by the Government of Haryana, is the Sub Divisional Magistrate-cum-Land Acquisition Collector, Tohana, District Fatehabad, as also in view of the assurance that the representation would be decided in a time bound manner and orders passed on the same would be communicated to the petitioners, 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.

7. Accordingly, in the light of the position as noted above as well as statement of learned counsel for the petitioners, the Contempt

Petition is disposed of as not pressed at this stage while directing respondent No.2 to consider and decide representation dated 09.12.2019 submitted by the petitioners, within two weeks from today by passing a speaking / detailed order, in accordance with law and to communicate the decision taken to the petitioners, within ten days thereafter. Needless to mention in case the needful is not done within the stipulated period of time, the petitioners would be at liberty to move an application for revival of the contempt petition.

(B.S. Walia)
Judge

11.01.2021
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Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No