

COCP-183-2021

Date of Decision: 27.01.2021

Devinder Pal and another

...Petitioners

vs.

Rakesh Chauhan

...Respondent

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

Present: Mr. Ravinder Malik (Ravi), 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 despite order dated 28.08.2020, in CWP-13009-2020, directing the Engineer in Chief, Irrigation Department, Haryana, Panchkula, to decide representation of the petitioners dated 04.02.2020, in accordance with law within three months from the date of receipt of certified copy of the order, needful has not been done till date despite submission of certified copy of the order, lapse of the stipulated period of time besides repeated representations, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of orders of this Court as referred to above.

3. 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 non-compliance with orders dated 28.08.2020, in CWP-13009-2020.

4. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of the respondent and on instructions from the respondent states

that needful could not be done due to circumstances prevailing on account of Corona Virus Pandemic as also on account of non-availability of the record but now the record has been traced out and in case two weeks time is granted, needful would be done and decision taken on the representation dated 04.02.2020, would be communicated to the petitioners.

5. The same satisfies learned counsel for the petitioner, who states that in the circumstance, he does not press the Contempt Petition and the same may be disposed of, as such, at this stage with directions to the respondent to adhere to the assurance held out by him through learned State Counsel and to decide the claim made in representation dated 04.02.2020, within two weeks from today.

6. In view of the position as noted above as well as statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed, while directing the respondent to adhere to the assurance held out by him through the learned State Counsel and to decide the claim made in representation dated 04.02.2020, within two weeks from today and to supply a copy of the decision taken on the representation to the petitioners within a period of one week thereafter. 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

27.01.2021

'Rajesh'

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