

COCp-388-2021

Date of Decision: 15.02.2021.

Vinod Kumar @ Akhtar

...Petitioner

vs.

Ajay Kumar Sinha, IAS and others

...Respondents

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

Present: Mr. Anil Kumar Garg, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Learned counsel contends that despite the petitioner having served legal notice Annexure P/5 dated 02.12.2019, highlighting the encroachments made on municipal land in Ludhiana, in terms of liberty granted in CWP-4886-2003, no action has been taken in respect thereto till date, despite lapse of more than one year and two months, therefore, respondent No.3 is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 04.10.2008 in CWP-4886-2003.

3. Issue notice to respondent No.3 to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him for intentional and willful defiance of orders dated 04.10.2008 in CWP-4886-2003.

4. Mr. Ashok Bazaz, Advocate, accepts notice on behalf of respondent No.3 and on instructions from respondent No.3 states that a

decision could not be taken on the legal notice Annexure P/5 dated 02.12.2019, initially on account of administrative exigencies and subsequently on account of conditions prevailing due to Corona Virus pandemic, but in case two weeks time was granted, needful would be done and a decision taken on legal notice Annexure P/5 dated 02.12.2019 besides action as warranted as per law in terms of the decision of Hon'ble the Division Bench of this Court in CWP No.4886-2003 would also be taken, within a period of two weeks thereafter.

5. The same satisfies learned counsel for the petitioner, who states that in the circumstances, he does not press the Contempt Petition and the same may be disposed of as not pressed at this stage while directing respondent No.3 to adhere to the assurance held out by him through the learned counsel and to take a decision on the legal notice Annexure P/5, dated 02.12.2019 as also action in respect thereto as may be warranted in accordance with law as well as the decision of Hon'ble the Division Bench of this Court in CWP-4886-2003 in a time bound manner, while granting liberty to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case, so warrant.

6. Accordingly, 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 at this stage while directing respondent No.3 to adhere to the assurance held out by him through the learned counsel and to take a decision on the claim made in legal notice Annexure P/5 dated 02.12.2020, within two weeks from today and to communicate the

decision on the same to the petitioner, within a period of one week thereafter as also to take action as may be warranted in respect thereto, in accordance with law as well as the decision of Hon'ble the Division Bench of this Court dated 04.10.2008, in CWP-4886-2003, within a period of two weeks from the date of decision.

7. 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

15.02.2021.

'Rajesh'

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