

COCp-365-2021

Date of Decision: 12.02.2021.

Mandeep Singh

...Petitioner

vs.

R.K. Singh and others

...Respondents

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

Present: Mr. Ram Kumar Saini, 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 submitted representation Annexure P/8, dated 10.09.2020, to the Deputy Commissioner, Narnaul, in terms of order passed by Hon'ble the Division Bench in CWP-4886-2003, in case titled as Court on its own Motion vs. State of Punjab and another, for removal of illegal encroachment, no decision has been taken on the said representation till date by the respondents, therefore, the respondents are 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 the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them for non-compliance with the orders of this Court as referred to above.

4. Mr. Deepak Manchanda, Addl. AG, Haryana, accepts notice on behalf of the respondents and on instructions from Mr. Pardeep Kumar, Secretary-respondent No.3, states that needful could not be done on account of circumstances prevailing due to Corona Virus pandemic, but in case three weeks time is granted, needful would be done qua the claim of the petitioner in terms of orders dated 04.10.2008, in CWP-4886-2003.

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 such at this stage while directing the respondents to adhere to the assurance held out by respondent No.3 through the learned Addl. AG, Haryana, and to take a decision on the representation Annexure P/8, dated 10.09.2020, in terms of orders dated 04.10.2008, 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 the respondents to adhere to the assurance held out by respondent No. 3 through the learned Addl. AG, Haryana, and to decide the representation Annexure P/8 dated 10.09.2020, in terms of orders dated 04.10.2008, in CWP-4886-2003, within four weeks from today and take such action in respect thereto as may be warranted in the facts and circumstances of the case.

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

12.02.2021.
'Rajesh'

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