

COCN No.1266 of 2021

Date of decision: 05.07.2021

Darshan Singh and another

.... Petitioners

Versus

Manvesh Singh Sidhu and others

.... Respondents

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

Present : Mr. Gautam Diwan, Advocate for the petitioners.

B.S. Walia, J. (VC)

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

2. Learned counsel for the petitioners concedes that admittedly 'Banjar Qadim' land has been treated as ShamlatDeh in terms of order dated 20.12.2012 in CWP No.13700 of 1999, besides, the application for warrant of possession of the aforesaid landfiled vide (Annexures P-3 & P-4) led to passing of order (Annexure P-5) dated 04.12.2020 by the Collector DDPO, Patiala in favour of the Gram Panchayat, for getting possession of the land delivered to the Gram Panchayat, Village Kachhwa, Block Bhunerheri, Tehsil DudhanSadhan, District Patiala as per rules from the illegal possession of the illegal occupants. Learned counsel further contends that the petitioners thereafter invoked the writ jurisdiction of this Court by way of CWP No.6316 of 2021, which was disposed of vide order dated 18.03.2021 by passing the following order:-

“ Case has been heard through Video Conferencing on account of COVID-19 Pandemic.

Petitioners have prayed for a writ in the nature of mandamus to direct respondent No.2 to initiate all necessary action/steps for ensuring the execution of warrant of possession dated 4.12.2020 (Annexure P-6).

It is evident that the proceedings were initiated under the Punjab Village Common Land (Regulations) Act which is complete procedure in itself and contains provisions for execution of the order. It is inexplicable how the writ jurisdiction of this court has been invoked for execution of the order.

We, thus, find no ground to interfere. Dismissed.

However, the petitioners shall be at liberty to take recourse to the procedure provided under the Act ibid.

(RAJAN GUPTA)
JUDGE

March 18, 2021

(KARAMJIT SINGH)
JUDGE ”

3. Faced with the aforementioned position, learned counsel for the petitioners prays for permission to withdraw the contempt petition with liberty to take out appropriate proceedings before the competent authority, in accordance with law in terms of order dated 18.03.2021 in CWP No.6316 of 2021.

4. In view of the position noted above, no ground is made out for initiating proceedings under the Contempt of Courts Act, 1971.

5. *Dismissed as withdraw* with the liberty, as prayed for.

(B.S. Walia)
Judge

05.07.2021

'Rajneesh'

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