

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

231

CRWP-7405 of 2020  
Date of Decision: 25.01.2021

Anuj

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. D. C. Dhaula, Advocate,  
for the petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

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**AMOL RATTAN SINGH, J. (ORAL)**

Case heard by video conferencing

The following order was recorded by this court on 28.10.2020  
reproducing therein the order earlier passed on 12.10.2020:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On 12.10.2020, the following order had been passed:-

*“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.*

*On September 18, 2020, the following order had been passed:-*

*“All cases listed today have been taken up for hearing by way of video conferencing because of the*

*situation existing due to the COVID-19 pandemic.*

*Notice of motion.*

*Mr. Pawan Sharda, learned Sr. DAG, Punjab, accepts notice at the asking of the court.*

*The Deputy Commissioner-cum-District Magistrate, Ludhiana, is directed to appoint an SDM to raid the brick kiln stated to be owned by respondents no.4 and 5 immediately; and if, upon the raid conducted, any of the 28 persons whose names are mentioned in paragraph 4 of the petition, are found to be kept in the brick kiln against their will, they shall be got immediately released and action taken against the owners/managers etc. of the brick kiln, with an affidavit of the SDM who conducts the raid to be filed at least one week before the next date of hearing, failing which the Deputy Commissioner, Ludhiana, shall remain personally present in court by way of video conference on that date itself.*

*Adjourned to 12.10.2020.”*

*Today, neither is any affidavit of the SDM on record nor is the Deputy Commissioner-cum-District Magistrate, Ludhiana, present in court.*

*Adjourned to 28.10.2020.*

*The Deputy Commissioner, Ludhiana, shall remain personally present in court through video conferencing on that date, failing which, naturally, proceedings under the provisions of the Contempt of Courts Act, 1971, shall be initiated.*

*To be shown in the urgent motion list.”*

*Today Mr. Varinder Kumar Sharma, IAS, Deputy Commissioner, Ludhiana, is present in court and has submitted that the order of this court dated 18.09.2020 was received in his office on 04.10.2020 but was forwarded for action on 12.10.2020, for which lapse a show cause notice has been issued to the person concerned.*

*Otherwise, on merits, he submits that in fact the SDM, East,*

*Ludhiana, went to the brick kiln stated to be owned by respondent no.4 on October 21, 2020 but found none of the persons who are alleged to be detenues. Thereafter the SDM also tried to contact the counsel for the petitioner to obtain the telephone number of the petitioner to apprise him of that fact but with counsel for the petitioner not having given the number on the ground that he did not have it.*

*It is seen that counsel for the petitioner neither appeared on the previous date nor even today.*

*That being so, while discharging the rule issued to the Deputy Commissioner, Ludhiana, after accepting his explanation, notice be now issued to the petitioner, as also to his counsel, as to why costs be not imposed on the petitioner for seemingly filing a frivolous petition, with his counsel not appearing, and also not giving his whereabouts.*

*The notice to be issued to the petitioner be served also through his counsel who has filed this petition, i.e. Mr. D.C. Dhaula, Advocate, returnable on 25.01.2021.*

*It is made clear that since counsel for the petitioner has chosen not to appear on two consecutive occasions, him refusing to accept notice on behalf of the petitioner, shall be taken to be a contempt of the order of this court.*

*The presence of the Deputy Commission stands discharged.”*

As regards what has been recorded in that order, today learned counsel for the petitioner appears and submits that he could not give the telephone number of the petitioner on account of the fact that he did not have it.

Very obviously the State machinery has been made to run around for no reason, with the time of this court also having been wasted for absolutely no reason.

Today, learned counsel for the petitioner wishes to withdraw this petition. Even while naturally allowing him to withdraw it, I do not see why costs

should not be imposed in the aforesaid circumstances and consequently, the petition is ordered to be dismissed as withdrawn, with however costs of Rs.10,000/- imposed upon the petitioner, to be paid within one month from today, to the PGIMER Chandigarh Poor Patients Fund.

**January 25, 2021**  
dinesh/

**(AMOL RATTAN SINGH)**  
**JUDGE**

|                           |     |
|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | No  |