

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**COCP No.2379 of 2021(O&M)
Date of Decision: December 23, 2021**

Suresh Kumar

...Petitioner

Versus

Pardeep Godara and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Kartar Singh Malik - I, Advocate
for the petitioner.

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HARINDER SINGH SIDHU, J.

The present Contempt Petition has been filed alleging disobedience of the order dated 28.04.2021 and 23.09.2021 (Annexure P-1 and P-2, respectively) passed by a Division Bench of this Court in CWP-PIL-77-2021 titled "Court on its own motion V. Union of India and others".

The case of the petitioner is that on 16.10.2020, the respondents have demolished the construction of the petitioner and taken possession of the suit land i.e. gate and wall about 10 feet in height.

It is stated that considering the Covid-19 pandemic situation, in the aforesaid Public Interest Litigation some directions/guidelines were issued in general for the States of Punjab, Haryana and Union Territory of Chandigarh. The following directions given by this Court in the aforesaid writ petition on 28.04.2021 are alleged to be disobeyed:-

"(iv) that it is further directed that the orders of eviction,

dispossession, demolition, etc. passed by this Court or any Court subordinate to it or any Tribunal or Judicial or Quasi Judicial forum, which have so far remained unexecuted, shall remain in abeyance till 30th of June 2021;”

Thereafter, vide order dated 23.09.2021 (P-2), the aforesaid directions were extended till 15.11.2021.

Factual background of the case, as detailed in the petition, is that the petitioner had filed a civil suit to restrain the defendants from creating obstruction, taking possession and raising construction on the suit land, which was decreed vide judgment dated 01.10.2021. Some of the defendants filed appeal, which was allowed by the Ld. Additional District Judge, Bhiwani vide judgment dated 05.07.2014. Against the said judgment and decree, the petitioner preferred RSA No.5609 of 2014 before this Court titled “Suresh Kumar vs. Bhupender and others”. The said RSA was dismissed for non-prosecution and the same has since been restored.

Ld. counsel for the petitioners has contended that in the light of the order dated 28.04.2021 passed by this Court in CWP-PIL-77-2021 titled “Court on its own motion V. Union of India and others”, the judgment of the Ld. Additional District Judge, Bhiwani dated 05.07.2014 could not be executed and they could not be dispossessed from the suit land.

I have heard Ld. counsel for the petitioner and perused the paper-book.

The afore-quoted directions for keeping the orders of eviction, dispossession, demolition, etc. in abeyance till 30.06.2021 were passed on 28.04.2021 in CWP-PIL-77-2021. The said directions were extended till

15.11.2021 vide order dated 23.09.2021, while the case of the petitioner is that he was dispossessed on 16.10.2020. Thus, the directions, of which the petitioner has alleged disobedience on the part of the respondents, were not in existence when the petitioner was dispossessed.

Hence, there is no merit in the petition.

Disposed of accordingly.

December 23, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No