

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

**COCp No.14 of 2022 (O&M)  
Date of Decision: February 25, 2022**

|                                |        |                |
|--------------------------------|--------|----------------|
| Kuldip Raj Dogra               |        | ...Petitioner  |
|                                | Versus |                |
| Raj Kamal Chaudhary and others |        | ...Respondents |

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: - Mr.Shailendra Sharma, Advocate  
for the petitioner.

**HARINDER SINGH SIDHU, J.**

By filing this contempt petition, the petitioner has alleged violation of the order dated 23.11.2021 passed in CWP(PIL) No.94 of 2021.

The writ petition was filed with a prayer for directions to quash the auction notice dated 16.11.2021 regarding sale of 04 trees standing in the premises of Civil Hospital, Mukerian, District Hoshiarpur and for restraining the official respondents from cutting the said 04 trees.

The aforesaid writ petition [CWP(PIL)-94-2021] was disposed of vide order dated 23.11.2021, which is reproduced hereunder:-

*“This petition has been filed by the petitioner, alleging that in spite of the order dated 9.11.2021 passed by this Court in CWP-PIL-184- 2021, disposing of the petition on the statement of the learned State counsel to the effect that the competent authority shall re-examine the technical feasibilities of the project with an objective to save the age old trees, if possible, the Senior Medical Officer, Civil Hospital, Mukerian, vide order dated 18.11.2021, replied to the legal notice of the petitioner dated 30.10.2021, rejecting the same without taking note of the abovesaid order. It is also pointed out that the said officer has even proceeded further with the auction notice of*

*the trees.*

*When confronted with the abovesaid facts, learned Assistant Advocate General, appearing for the State of Punjab, submits that the matter is yet to be re-examined by the higher authorities, in terms of the order passed by this Court (ibid). He further submits that he has instructions to say that the order dated 18.11.2021 is being withdrawn and shall not be acted upon till the matter is re-examined by the higher authorities of the State, in terms of the order passed by this Court (ibid). He has also assured the Court that auction of the tress shall not be undertaken till then.*

*In view of the statement made by learned Assistant Advocate General, Punjab, present petition is disposed of.”*

Alleging that, instead of re-examining the matter, the respondents had issued a Tender Notice dated 30.11.2021 in the Newspaper for construction of New Emergency Block at Civil Hospital, Mukerian, the petitioner filed COCP No.2676 of 2021 in CWP(PIL) No.184 of 2021, which came up for hearing on 09.12.2021 and notice of motion has been issued.

The petitioner again filed COCP No.2755 of 2021 in CWP(PIL) No.194 of 2021, alleging that the respondents were proceeding to cut the trees in violation of their undertaking that the trees would not be cut till the matter was re-examined by the higher authorities. The said Contempt Petition came up for hearing on 16.12.2021. It was stated on behalf of the respondents that they remain bound by their undertaking not to cut the trees till the matter is re-examined by the higher authorities. The petition was disposed of by recording the undertaking and a direction “*that the decision*

*H.C.Arora, learned counsel for the petitioner on his e-mail. If the decision required the cutting/shifting the trees, the said decision be not acted upon for a period of two weeks from the date, the decision is communicated to Shri H.C.Arora at his e-mail address so as to enable the petitioner to avail of any remedy.”*

It is alleged that the matter has not been re-examined by the higher authorities nor has any decision been communicated in terms of the order dated 16.12.2021. Instead, the respondents have laid the foundation stone of new Emergency Block at Civil Hospital, Mukerian. A photograph of the foundation Ceremony has been annexed as P-4.

As per the order dated 16.12.2021, the decision was to be communicated to Sh. H.C.Arora, Advocate, who represented the petitioner in COCP No.2755 of 2021 in CWP(PIL) No.194 of 2021. There is no specific averment in this petition that the decision, if taken, has not been communicated to Sh. H.C.Arora. There is only a bald assertion that no decision has been taken and communicated. Moreover, COCP No.2676 of 2021 in CWP(PIL) No.184 of 2021 on the same issue is pending.

In the above facts and circumstances, there is no ground to entertain the present petition.

Disposed of accordingly.

**February 25, 2022**

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**(HARINDER SINGH SIDHU)  
JUDGE**

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |