

[127] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.369 of 2022

Date of Decision : 02.03.2022

Amit Kumar

...Petitioner

versus

Manohar Lal Khattar and others

....Respondents

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

Present : Mr. Ankur Sidhar, Advocate for
Mr. Rajesh Khandelwal, Advocate
for the petitioner.

B.S. Walia, J.

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Sections 11 & 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, is for initiating action against the respondents for intentional and willful defiance of order (Annexure P-1) dated 11.11.2021 in CWP No. 9639 of 2021.

[3] A perusal of order (Annexure P-1) dated 11.11.2021 in CWP No.9639 of 2021 reveals issuance of advisory to the respondent-authorities while dismissing the aforementioned writ petition.

[4] Learned counsel contends that the grievance of the petitioner is that the respondents have failed to comply with the advisory issued in CWP No. 9639 of 2021.

[5] *Per contra*, Mr. Parvindra Singh Chauhan, learned Senior Addl. AG, Haryana, while relying upon the decision of Hon'ble the

Appeal No.1132 of 2011 in case titled as 'Gurmukh Singh versus Mandeep Singh Sandhu and others' contends that no contempt proceedings are maintainable qua an advisory. Relevant portion of the decision of Hon'ble the Supreme Court is reproduced as under:-

“ Heard.

We see no reason to proceed with the present contempt petition for the alleged breach of certain directions issued by us which were advisory in nature.

This contempt proceedings is accordingly dismissed and the rule discharged.

We make it clear that this order shall not prevent the petitioner from seeking such other relief before the jurisdictional High Court as may be otherwise permissible in law. ”

[6] Faced with the aforementioned decision, learned counsel for the petitioner prays for permission to withdraw the instant petition with liberty to take out his remedy in accordance with law by way of appropriate proceedings for redressal of grievance of the petitioner as is the subject-matter of the instant petition.

[7] In view of the position noted above, as well as statement of learned counsel for the petitioner, the instant petition is *disposed of* as not calling for any action against the respondents under the Contempt of Courts Act, 1971, while granting liberty to the petitioner, as prayed for.

(B.S. Walia)
Judge

02.03.2022
'Rajneesh'

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