

COCp-928-2021

Date of Decision :31.10.2022

Nazar Singh

...Petitioner

versus

Varinder Kumar Sharma

....Respondent

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

Present : None for the petitioner.

Mr. Rajesh Mehta, Addl. AG, Punjab.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 04.10.2008 as well as Annexure P/6 dated 05.11.2020.

2. Grievance of the petitioner is that despite encroachments having been brought to the notice of the respondent vide legal notice dated 28.02.2021, no decision has been taken in respect thereto in terms of directions in paragraph No.11 (viii) of judgment dated 04.10.2008, in CWP-4886-2003, to remove the same, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971.

3. Learned Addl. AG, Punjab, refers to paragraph Nos.3 and 9 of the reply dated 17.01.2022, filed by the Deputy Commissioner, Ludhiana and copy of which is stated to have already been supplied to learned counsel for the petitioner, to contend that encroachments complained of have been removed and possession of the land in question

handed over to the Gram Panchayat, Village Boothgarh, Tehsil and

District Ludhiana, on 09.04.2021, as per Annexure R/6 i.e.spot report. Learned Sr. Additional Advocate General states that in view of the needful having been done, no action is called for in the instant petition and the same may be disposed of as such.

4. Despite intimation having been given that the matter would be taken up for hearing at 12:00 noon, none is present on behalf of the petitioner.

5. I have considered the submissions of the learned State counsel.

6. In view of needful having been done in terms of directions contained in paragraph No.11 (viii) of judgment dated 04.10.2008, in CWP-4886-2003 and the encroachments as reported by the petitioner having been removed and possession of the encroached land having been handed over to the Gram Panchayat, Village Boothgarh, Tehsil and District Ludhiana, no further action is called for in the instant petition. Accordingly, the contempt petition is disposed as such. However, liberty is granted to the petitioner for revival of the contempt petition, if cause survives.

7. Rule discharged.

(B.S. Walia)
Judge

31.10.2022
ps

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