

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

COCp-1264-2022(O&M)
Date of Decision :20.12.2022

Pawan Kumar Bhardwaj ...Petitioner

versus

Ajit Balaji Joshi, Chief Adminstrator, HSVPRespondent

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

Present : Mr. Gaurav Bakshi, Advocate for the petitioner.

Mr. Pankaj Kundra, Advocate for
Mr. Deepak Sabherwal, Advocate
for the respondent.

B.S. Walia, J. (Oral)

[1] Prayer in thepetition is for initiation of proceedings against the respondent for intentional and willful defiance of order, Annexure P-1, dated 02.06.2022, in CWP-26245-2021in case titled as 'Pawan Kumar Bhardwaj versus State of Haryana and others'.

[2] A perusal of order (Annexure P-1) reveals that CWP-26245-2021 was allowed and possession of plot No.330, Sector 52, Gurugram ordered to be given to the petitioner within one month.

[3] Learned counsel appearing on behalf of the respondent has filed a short affidavit dated 19.12.2022 in which, it has been mentioned that SLP (C) No.14703 of 2022 was dismissed vide order dated 16.09.2022, while leaving it open to thepetitioner to filea review which was directed to be considered in accordance with law vide order (Annexure R-1) and that

pending filing of review the Estate Officer-II, HSVP, Gurugram, has issued letter No.11357 dated 02.12.2022 to the petitioner, restoring original plot No.330, Sector 52, Gurugram in lieu of exchanged / alternative plot No.751, Sector 57, Gurugram, subject to the decision that may be arrived at in review application and further that possession of original plot No.330, Sector 52, Gurugram has also been offered to the petitioner vide order dated 02.12.2022 (Annexure R-3). The aforementioned reply is taken on record. Copy thereof supplied to learned counsel for the petitioner.

[4] Learned counsel for the petitioner on the other hand refers to order dated 30.11.2022 to contend that while noticing the plea of the respondent that review had been prepared but was yet to be filed, the case was adjourned to 14.12.2022 for filing of compliance report-cum-report. Paragraph No.5 of the reply of the affidavit indicates that pursuant to orders of Hon'ble the Supreme Court dated 16.09.2022, the matter was examined by the office and it was decided to file review petition before this Court, on which learned counsel was engaged to file the review petition vide letter dated 06.10.2022 and the matter was taken up with the learned counsel for drafting of review petition but since the same had not been received despite numerous reminders, therefore, counsel had been changed and now another learned counsel had been engaged on 01.12.2022 for filing review by sending record of the case and in the meantime, decision had been taken to comply with the orders, subject to outcome of the review to be filed.

[5] In the light of the position noted above, I am of the considered view that needful having been done, subject to outcome of review to be filed

Courts Act, 1971.

[6] Contempt petition is disposed of as such.

20.12.2022

'Rajneesh'

Judge

(B.S. Walia)

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No