

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

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COC-1436-2022

Date of decision: 25.07.2022

BIMLA RANI

..Petitioner

Versus

GHANSHYAM THORI AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jatinderpal Singh, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The dispute is with regard to the grant of permission to operate a fuel station (retail outlet). The petitioner alleges that despite directions of the Commissioner Jalandhar, Division Jalandhar, vide order dated 02.02.2022, the District Magistrate has failed to take any necessary action.

The operative part of the order passed by the Commissioner is extracted as under:-

“But the Distt. Magistrate, Jalandhar has not considered the fresh site inspection report reproduced above. Therefore, I accept the appeal, set aside the impugned order and remand the case to Distt. Magistrate, Jalandhar for fresh decision in the light of fresh site inspection report, within a period of 2 months after hearing the appellant and Executive Engineer Central Works Division, PWD (B&R), Jalandhar. File be consigned to record room after usual formalities.”

The learned counsel representing the petitioner contends that the High Court has jurisdiction to punish for contempt of itself or any other Judicial Authority which may not be administratively subordinate to it. He relies upon the judgment passed in **S.K. Sarkar Member, Board of**

Revenue, U.P. Lucknow Vs. Vinay Chandra Misra (1981) 1 SCC 436.

Initiation of proceedings under the Contempt of Courts Act, 1971, and ultimately punishing a *quasi judicial* authority should be resorted to only in rare and exceptional cases. Once, the petitioner has more than one effective alternative remedies, the High Court should be reluctant to initiate the proceedings under the Contempt of Courts Act, 1971. The petitioner can complain to the Commissioner Jalandhar, Division Jalandhar and also file a writ in the nature of mandamus.

Hence, no ground to exercise jurisdiction under the Contempt of Courts Act, 1971, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 25th, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>