

COCP-2966 of 2019

Date of Decision : 08.02.2022

Automobile Association Sirsa

...Petitioner

versus

Ashok Kumar Garg and another

....Respondents

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

Present : Mr. Sunil Kumar Nehra Sirsa, Advocate for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India is for initiating proceedings against the respondents on account of their intentional and willful defiance of order, Annexure P/2 dated 26.10.2018 in CWP No.27366 of 2018.
3. A perusal of order Annexure P-2 dated 26.10.2018 reveals that CWP No.27366 of 2018 was disposed of with a direction to the Deputy Commissioner-cum-Chairman Auto Market, Sirsa, District Sirsa (Haryana) to consider and decide representation dated 16.08.2017 within six weeks from the date of receipt of certified copy of the order and in case, the competent authority came to the conclusion that the benefit claimed by the petitioner was admissible to it, then the consequential

thereafter but in case relief was not admissible to the petitioner, a speaking order was to be passed in the matter.

4. Reply dated 30.07.2021 as well as 12.08.2021, has been filed by the then incumbent Deputy Commissioner, Sirsa.

5. Learned State counsel by referring to paragraph No.8 of reply dated 30.07.2021 filed by the Deputy Commissioner, respondent No.2, contends that the respondents had constituted a committee to give its recommendations qua the representation dated 16.08.2017 and a detailed report was submitted by the Committee on 01.07.2021 recording therein that none of the applicants was eligible for the transfer and registration of the shop / plot, in view of the terms and conditions of the original scheme dated 10.03.1987, whereupon the Deputy Commissioner, Sirsa after considering the observations and findings recorded by the duly constituted committee vide order dated 09.07.2021 rejected the claim of the petitioner-Association on account of non-fulfillment of conditions incorporated in the original scheme pertaining to the year 1987, while observing that a proposal had been sent especially qua condition Nos.7 and 8 to the Principal Secretary of Govt. of Haryana, Department of Urban Local Bodies, Chandigarh, for consideration / relaxation on 06.02.2020. Copy of order dated 09.07.2021 passed by the Deputy Commissioner, Sirsa in compliance of orders of this Court dated 26.10.2018 in CWP No.27366 of 2018 has been placed on the record as Annexure R-2/9. Learned State counsel contends that in the light of the position noted above, the directions of this Court contained in order dated 26.10.2018 in CWP No.27366 of 2018 have been complied with by

passing a speaking order and that in the circumstances, no case for taking action against the respondents under the Contempt of Courts Act, 1971 or under Article 215 of the Constitution of India is called for. Learned DAG further contends that the order could not be passed within the specified period of time due to the time taken by the committee constituted to give a report in respect of the grievance of the petitioner as contained in representation dated 16.08.2017.

6. I have considered the submissions of learned counsel for the parties.

7. Admittedly, order Annexure R-2/9 dated 09.07.2021 has been passed by the Deputy Commission, Sirsa in compliance of order dated 26.10.2018 in CWP No.27366 of 2018 rejecting the claim of the petitioner on account of non-fulfillment of the conditions especially condition Nos.7 and 8 of the original scheme pertaining to the year 1987. Orders could not be passed within the stipulated period of time as the respondents had constituted a committee to consider the claim of the petitioner as contained in representation dated 16.08.2017 and time was taken by the committee in submitting its report. Accordingly, in the light of position noted above, no action under the Contempt of Courts Act, 1971 is called for against the respondents.

8. At this stage, learned counsel for the petitioner contends that the respondents have forwarded proposal dated 06.02.2020 to the Principal Secretary to Govt. of Haryana, Department of Urban Local Bodies, Chandigarh for relaxation of condition Nos.7 and 8 of the original scheme and that the same is pending consideration.

9. Needless to mention, it would be open to the petitioner to pursue the said proposal before the competent authority in accordance with law.

10. The contempt petition is disposed of with the aforementioned directions.

11. Rule discharged.

(B.S. Walia)
Judge

08.02.2022

ps

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