

CWP No.31221 of 2019

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

CWP No.31221 of 2019
Date of decision : 26.04.2022

Vikram Singh

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Nipun Vashisht, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

Mr. Sudhir Kumar Pandey, Advocate,
for respondent No.7.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order dated 19.04.2022 passed by this Court, Shri Kartar Singh, Block Development and Panchayat Officer, Nahar, is present in Court and has submitted his affidavit, dated 25.04.2022, along with annexures, which is taken on record. In paras 3 and 4 of the said affidavit, it has been stated as follows:-

“3. That vide order dated 19-04-2022 the Hon'ble High Court found no reasoning assigned by the deponent/respondent No.5 and directed the deponent/respondent No.5 to appear before the Hon'ble High Court to explain as to why proceedings for

contempt be not initiated. The said order was received to the deponent on 20-04-2022 and after going through the same for immediate compliance the said order the deponent passed resolution no.01 dated 20-04-2022 as per rule to demolish said "Chabutra". After passing of the said resolution the deponent requested to the Collector, Rewari, to appoint the Duty Magistrate vide letter no.859 dated 21-04-2022, in consequence thereof Sh. Jitender Kumar Tehsildar, Kosli, was appointed as Duty Magistrate, who sought the police help vide application no.43-47/Miscellaneous Branch dated 21-04-2022. After adopting the due process of law and procedure the said "Chabutra" was demolished with videography and photographs on dated 22-04-2022. The copies of the same are attached herewith as Annexure R-1/1 to Annexure R-1/4.

It is also pertinent to mention here that after completion of possession proceeding the petitioner namely Sh. Vikram Singh gave his statement by stating therein that encroachment has been removed and passage has been opened and he is satisfied for the same vide his statement dated 22-4-2022. Hence there is no delay on the part of deponent but the delay, if any, is procedural not intentional. The copy of the statement of petitioner is attached herewith as Annexure R-5.

Keeping in view, the compliance of the order of the Hon'ble High Court and as no grievance of the petitioners is pending the deponent may kindly be exempted to initiate the contempt proceedings.

4. That the deponent have the charge as Block Development and Panchayat Officer, Dharuhera with the additional charge of Block Khol and another additional charge of Blocks Nahar in District Rewari was also allotted in November 2021 and the same has been withdrawn from the deponent by Competent authority vide order dated 19-04-2022 but due to high esteem towards the Hon'ble High Court and its order the deponent despite the relinquish his charge of Block Nahar complied with the same in its complete letter and spirits as per rule.”

Learned counsel for the State submits that the deponent has tendered his unconditional and unqualified apology. It is being sought to be stated that non-compliance of the order is neither intentional nor deliberate but had occurred because of the *bona fide* misunderstanding of the order passed by the revenue authority(s). It is contended that the encroachment has all been removed and in this regard, photographs, which have been placed on record as Annexure R-1/4, have been perused.

Learned counsel for the petitioner also states that the encroachments have indeed been removed from the site in question.

In the light of the above, we refrain ourselves from initiating

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proceedings for contempt against Shri Kartar Singh, Block Development and Panchayat Officer, Nahar, District Rewari, for non-compliance of the order passed by this Court but impose costs of Rs.25,000/- upon him to be paid from his own pocket and deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, within a period of one week from today. Receipt with regard to deposit of the said amount be submitted in the Registry of this Court within a further period of one week. In case the said amount is not deposited and the receipt is not submitted, the matter be brought to the notice of the Court for further action.

The writ petition stands disposed of as having been rendered infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

26.04.2022
Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No