

2023:PHHC:154605

**207(4) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCN No.1641 of 2018 (O&M)

Date of Decision: 04.12.2023

Harnek Singh

.....Petitioner

Versus

Sharandeep Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.K.S. Bedi, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

Mr. Sunil Kumar Dhanda, Advocate for respondent Nos.4 & 5.

RAJBIR SEHRAWAT, J. (ORAL)

CMs-2248-49 & 2251-58-CII-2019

These are applications for granting permission to applicant(s)
to join as interveners.

Since, the main petition itself is being dismissed today,
therefore, the present applications are rendered as infructuous and dismissed
as such.

Main Case

This is a contempt petition filed under Article 215 of the
Constitution of India read with Section 12 of the Contempt of Courts Act,
for disobeying the orders passed by this Court in CWP-17664-2005 decided
on 11.12.2008 and CWP-4886-2003 decided on 04.10.2008.

Learned counsel for the respondents has produced the order
dated 27.02.2023 in connected petition i.e. COCP No.3228 of 2016, passed
by a co-ordinate Bench of this Court whereby the similar contempt petition

has been dismissed in view of directions having been issued by that Court. Moreover, the contempt petition is not the appropriate remedy for ascertaining whether there is any encroachment upon a public passage or not. If the petitioner is aggrieved of any specific instance of encroachment by any person upon the public road, the petitioner would be at liberty to take appropriate proceedings under the relevant provisions of the concerned Municipal Act.

In view of the above, the present petition is rendered as infructuous and dismissed as such.

The pending miscellaneous application, if any, is also disposed of as such.

04.12.2023
sandeep

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No