

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

COCP-983-2014 (O&M)
Date of decision: 07.07.2023

Satwant Singh

....Petitioner

Versus

N.S. Kang and Ors

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Neha, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

This petition is pending since 2014.

The petitioner alleges non-compliance of the order dated 06.12.2011 passed in CWP No.2472 of 1987. The operative part of the said order, reads as under:-

“The State has given an affidavit to say that only properties in Khasra Nos.34//4/1-16 marlas and 401/16/2-8 marlas are available vacant lands. The Government shall allot the same in partial satisfaction of the petitioners’ entitlement under the 1954 Act. Out of the total extent of 78 kanals 11 marlas that were pointed out by the petitioner as still available, the State is contending that sever of the items of properties are in the hands of unauthorized occupants and that actions are being taken for securing back the property from their possession. The respondents shall, on taking back the possession of the property, allot the same to the extent of the petitioners’ entitlement. This exercise could be an ongoing process and shall be concluded within a period of at least 2 years.”

Successive compliance affidavits have been filed.

In the latest affidavit dated 05.04.2019, it is submitted as under:-

“4. That in due compliance to the aforesaid order, it is pertinent to mention here that after passing the order dated 16.1.2019, the petitioner filed CM No.1956-CII of 2019 for modification of the order dated 16.1.2019 wherein the Khasra No.34//4/1 and 401/16/2 has been mentioned instead of Khasra No.45//3/2 in Village Rahaun. Reply to the said application has been filed separately. However, it is submitted that as in the affidavit dated 19.10.2016 filed by Sandhura Singh, Tehsildar Khanna, District Ludhiana stated that the land measuring 4 kanal 5 marlas has been allotted to the petitioner by the office of Tehsildar, Chamkaur Sahib at Village Phassa. The possession of the land measruing 4 kanal 5 marla situated at Village Phassa has been delivered to the petitioner on 18.11.2015, instead of allotting the land measuring 4 kanal 5 marlas in Khasra No.45//3/2 in village Rahaun because as per the revenue record there is an entry of status quo order passed against the order of Settlement Commissioner Punjab, Jalandhar in the Jamabandi for the year 1977-78 as well as in the Roznamcha.”

Counsel for the State, on instructions from Mr. Jang Singh, Registry Clerk, has referred to the affidavit, which was filed at the time of disposal of the main writ petition to submit that the name of the village was not mentioned and only khasra numbers along with area was given and therefore, there was some discrepancies, which have now been cleared.

In view of the above, no further cause of action survives for continuation of the present contempt petition and the same is accordingly, disposed of having been rendered infructuous.

(ARVIND SINGH SANGWAN)
JUDGE

07.07.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No