

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

**COCP-1122-2021 (O&M)
Date of decision: 29.04.2023**

M/s Encore Asset Reconstruction Company Pvt. Ltd.

...Petitioner

Versus

Varinder Kumar Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aalok Jagga, Advocate
for the petitioner.

Mr. Ajit Singh Natt, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner/company alleges violation of the order dated 06.02.2020, passed by this Court in CWP-13802-2019, vide which, the following order was passed :

“Consequently, we dispose of this petition wit liberty reserved to the petitioner company to approach Tehsildar, Ludhiana (East) with the documents, including the demarcation report, to enable the revenue agency to ascertain the property for the purpose of handing over possession of the same to the petitioner company, within a period of two weeks, if not already supplied. Tehsildar, Ludhiana (East) would proceed accordingly.”

Learned counsel for the petitioner submits that out of 3024 sq. yards, 913 sq. yards is under construction of showrooms and office area

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since its inception and possession of this area has not been delivered to the petitioner.

From the perusal of the aforesaid order, it is apparent that the petitioner, at the time of passing of order, has not disputed that the possession of the land of 3024 sq. yards was handed over and the order was passed only with regard to area not demarcated by the petitioner itself and the writ petition was disposed of with a direction to the petitioner to approach the Tehsildar, Ludhiana (East) with the documents, including the demarcation report in order to enable the revenue agency to ascertain the property for the purpose of handing over possession of the same to the petitioner.

From no stretch of imagination, the aforesaid order can be interpreted that the same land relates to land, which is part of 3024 sq. yards of land, rather, the order is relating to the area, which the petitioner itself was not aware of or could not demarcate.

Since the disputed question of facts are involved, no case of any willful disobedience is made out.

Accordingly, the present petition is dismissed.

Rule stands discharged.

The petitioner is granted liberty to avail the alternative remedy, in accordance with law, if so advised.

29.04.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No