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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-21179-CII-2023 and
CM-21177-CII-2023 in/and
COCP-2230-2023 (O&M)
Date of Decision:20.11.2023

DEV RAJ

.....Petitioner

V/s.

BHUPINDER SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. Kamal Chaudhary, Advocate for the petitioner.

 Mr. Sandeep Khunger, Advocate and
 Mr. Saksham Khunger, Advocate for respondents No.1 and 2.

 Mr. Bhagoti Singh, Advocate
 for the applicant-respondent No.3 in
 CM-21179-CII-2023 and CM-21177-CII-2023.

SANJEEV PRAKASH SHARMA, J (Oral)

CM-21179-CII-2023 and CM-21177-CII-2023

1. Applications are allowed.
2. Documents Annexure R-3/1 to R-3/3 are taken on record and
respondent No.3 is exempted from filing their certified copies thereto.

COCP-2230-2023 (O&M)

3. The petitioner has come before this Court for alleged violation
of order dated 29.05.2023 passed by this Court in Writ Petition filed by
him.
4. Learned counsel for the petitioner submits that as soon as the
petitioner proceeded to construct the RCC wall, the respondents have
served a notice upon him under Sections 172 and 172-A of the Punjab
Municipal Act, 1911 and the same has been issued at the behest of
respondent No.3, the Municipal Councilor who has unnecessary complained
about the construction.

5. Learned counsel for the Municipal Council, Nayagaon submits that while this Court had allowed the petitioner to construct a RCC wall of his house near the Pond of Guga Marhi Temple, the petitioner has, in the garb of the said order, attempted to construct a separate wall next to his own wall which is the part of pond area amounting to encroaching the area of the pond, therefore, notice was served upon the petitioner.

6. Learned counsel for the petitioner submits that if that is the objection, the Municipal Council may construct the RCC wall as the water from the pond is affecting his house and there is a Scheme for protection of ponds for which expenses are available to the Municipal Council.

7. This Court finds that the order passed by this Court was complied with as the petitioner sought to allow him to construct RCC wall of his house near the Pond of Guga Marhi Temple and the Court has allowed him to construct a RCC wall of his house. There is no direction to raise an additional to the existing wall of his house. If any such intention was there of the Court, the same was not reflected in the order.

8. In view of the above, leaving it open to the petitioner, to move appropriate application for clarification of the order passed by this Court in the Writ Petition, the instant Contempt Petition is found to be without force. The same is dismissed accordingly. Notices stand discharged.

9. All pending applications filed in this Contempt Petition shall stand disposed of.

November 20, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes/No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>