

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

**COCP-2805-2022 (O&M)
Date of decision: 21.04.2023**

Ramanand

... Petitioner

Vs.

Satyawan and ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naveen Dahiya, Advocate for
Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 20.07.2022 passed in CWP-8322-2022, vide which it was directed that if the re-encroachment is done, Block Development and Panchayat Officer, Narnaund and Panchayat Secretary, office of BDPO, Narnaund will be responsible for the same.

Learned counsel for the petitioner submits that despite the directions issued in the aforesaid writ petition, re-encroachment is there and some Sadhus are residing in the premises and they are constructing a Dera Sidh Kheemnath by demolishing the existing temple.

On 22.12.2022, following order was passed: -

“Learned counsel contends that despite there being no permission from the competent authority for use of the land in question, respondent Nos.1 and 2, in intentional and willful defiance of order Annexure P/1 have allowed the land in question which is the subject matter of CWP-8322-2022, to be encroached, therefore, are liable to be punished under the Contempt of Courts Act, 1971, besides the petitioner awarded exemplary costs.

Issue notice to respondent Nos.1 and 2 to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them, besides costs as prayed for be not awarded in favour of the petitioner.

Mr. Manish Dadwal, AAG, Haryana, accepts notice on behalf of respondent Nos.1 and 2 and requests for an adjournment to file compliance report-cum-reply.

Adjourned to 15.02.2023.

Compliance report-cum-reply be filed one week before the date fixed with copy to learned counsel for the petitioner, failing which, compliance report-cum-reply would be accepted by the Registry/in Court only subject to payment of costs of Rs.10,000/-.”

In pursuance of the said order, report of the Local Commissioner is on record, according to which, at the time of inspection, no Sadhu or any Yogi or Mahant was found in the temple. It is further stated that as per revenue record, entire temple including rooms, storage room, public toilets are constructed on the panchayat land, which is shown in the map, as verified by the Village Patwari, copy of which is attached with this report. Local Commissioner has also given the details of all the existing rooms, storage rooms and the material lying therein including the toilets, place for floor mill,

place of worship and the kitchen attached to the temple. It is also stated that some building material is lying in the open courtyard, however, at the spot, all the officials, Sarpanches, 100 villagers, who were present there, did not acknowledge that temple was constructed by any of Sadhu/Mahant. Photographs of the existing position along with gathering of the villagers, who have come at the spot, site plan, aks-sajra etc. are also attached with report of the Local Commissioner.

In view of the above, no willful disobedience is made out. However, it is directed that Block Development and Panchayat Officer, Narnaud, District Hisar, Panchayat Secretary, Block Narnaud, District Hisar as well as Sarpanch, Gram Panchayat, Village Mirchpur, Tehsil Narnaund, District Hisar, in terms of the order dated 20.07.2022, will ensure that management of the temple be not taken over by any outsider.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

21.04.2023
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No