



COC-2140-2018

-1-

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

154

COC-2140-2018

Date of decision: 28.05.2024

VIVEK COOPERATIVE HOUSE BUILDING SOCIETY LTD

...Petitioner

Versus

APPORVA KUMAR SINGH AND ORS

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sunil Chadha, Sr. Advocate with
Ms. Kashish Aggarwal, Advocate,
for the petitioner.

Mr. Deepak Sabherwal, Advocate,
for the respondents.

RAJBIR SEHRAWAT, J. (Oral)

1. This is a contempt petition filed under Sections 11 and 12 of the Contempt of Courts Act, 1971, for punishing the respondents for disobeying the order dated 16.09.2016 passed in CWP-9718-2009.

2. Learned counsel for the respondents has referred to the pleadings of the respondents and has submitted that in compliance of the order dated 16.09.2016 passed by the Writ Court, the plots have been allotted to 169 members of the petitioner-Society, out of total 176 members. The remaining 07 members have only been allotted plots within 169 number. However, since they were having multiple membership in the Society, therefore, they were claiming multiple plots inflating the number to 176. As per Clause 8 (iv) of R & R policy of the year 2010, under which the

**COCOP-2140-2018****-2-**

plots were to be allotted to the oustees, only one plot could be allotted to one oustee. Therefore, 07 persons, who are claiming multiple membership, have been allotted only one plot each, thereby reducing the total allotments to 169. Learned counsel has further referred to letter dated 27.06.2019 (Annexure R-3), whereby the rates as applicable to the allotments made in the years 2013-2014 and 2019-2020, have been specified. Since, the Writ Court had ordered allotment of the plots at the price of the year 2013, therefore, the allotment price has been fixed as per the order of the Writ Court. Not only that, since the allotments were made under the oustee quota, and the members of the petitioner-Society have been granted even 20% rebate on the above-said price fixed for the years 2013-2014, therefore, the restrictive condition of non-transfer of the plot for the next five years, has been imposed. Hence, the order stands complied with. Nothing more is required to be done by the respondents for compliance of the order, as such.

3. On the other hand, learned Senior Counsel for the petitioner-Society has resisted the assertions of the learned counsel for the respondents, and has submitted that since the plots were to be allotted as per the prevailing rates in the year 2013 and even the above-said fixation of rate for the year 2013 by the respondents, has come only in the year 2021, therefore, the said rate cannot be claimed to be the legitimate rate of the year 2013. In fact, in the year 2013, the respondents themselves had specified the rates for all the urban estates in the entire State of Haryana. The said rates have to be applied to the allotments made to the members of the petitioner-Society. Learned Senior Counsel for the petitioner has further submitted that

**COC-2140-2018****-3-**

the above-said 07 members, those have been allotted one plot each, however, their right cannot be restricted to only one plot because they were not claiming as outsee, rather, their claim is as a transferee from the oustees. Moreover, even the policy of the year 2010 is not applicable qua the transferees from the oustees.

4. Since the plots have already been allotted to the members of the petitioner-Society and they have even deposited the rates, as demanded by the respondents, therefore, the order stands complied with in its substance. Though, there may be some claim of the members of the petitioner-Society qua disputing the policy and the rates, however, the Contempt Court is not required to decide the disputed questions of fact, as such.

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

6. However, if any grievance of the petitioner is left un-redressed, it would be at liberty to raise the same in any other alternate remedy, but in accordance with law.

28.05.2024

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No