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

(228)

COC-1683-2023

Date of Decision: 03.10.2024

Hawa Singh

.....Petitioner

Versus

Ajit Balaji Joshi and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajit Malik, Advocate, the petitioner.

Mr. Deepak Sabherwal, Advocate, for the respondents.

HARKESH MANUJA, J.(ORAL)

1. By way of present petition filed under Section 12 of the Contempt of Courts Act, 1971, prayer has been made for initiation of contempt proceedings against the respondents on account of alleged noncompliance of order dated 23.12.2022 passed by this Court in CWP-30186-2022. The order thereof is reproduced hereunder:

“The petitioner has referred to the proceedings of the meeting dated 15.09.2020 wherein the petitioner was found eligible for allotment of a plot and his name was included in the list of successful eligible applicants. Thereafter, the policy for allotment of plots was revised which required that a 'No Objection Affidavit' from all the legal heirs be submitted. The case of the petitioner has been rejected by the Screening Committee vide Annexure P/19 on the grounds amongst others that the certificate of Tehsildar regarding legal heirs of the deceased land owner with complete pedigree table, 'No Objection Affidavit' from the legal heirs and the copy of the Will dated 21.03.2001 relied on the petitioner, had not been submitted.

2. As a matter of fact, the aforesaid order was assailed by the respondents before the Hon'ble Apex Court, however, SLP came to be dismissed vide order

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dated 07.08.2023.

3. Learned counsel for the respondents submits that in the proceedings dated 14.08.2024 before the Oustees Screening Committee, the petitioner even found entitled for allotment of 01 kanal under the oustees quota, however, he submits that the process of draw of lots and allotment may take some time on account of ensuing legislative assembly election.

4. I have heard learned counsel for the parties and gone through the paper book.

5. As per the record, the process of acquiring the land of the petitioner commenced in the year 1992, thereby, making him entitled for allotment of plot under the oustees category, however, the respondents have taken around 32 years to decide his entitlement qua the same, though, the application was made in the year 2011 and from that date almost 12 years has expired, still the actual allotment has not been made in their favour and during the past almost 10/12 years, the cost of construction has gone sky high. In such, circumstances, the respondents are directed to conclude the aforementioned process of carrying out draw of lots and issuance of allotment letter including the delivery of actual physical possession in favour of the petitioner after demarcation of the land from the concerned officer within a period of two months from today. In case, there is any default on the part of the respondents, considering the fact that the process is going on for the past so many years, the officer concerned shall be liable to pay a sum of Rs.2 lakhs to the petitioner from his/her own pocket.

Disposed of accordingly. Rule stands discharged.

(HARKESH MANUJA)
JUDGE

03.10.2024

anil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No