

2024:PHHC:109389



103 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-1778-2021 (O&M)
Decided on:-21.08.2024

Tiwana Transport Company
(thr. its Partner Harbans Singh)

....Petitioner..

VS.

Ms. Shempy Chaudhary, PCS and anr.

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurminder Singh Salana, Advocate for
Mr. Nagar Singh, Advocate for the petitioner.

HARKESH MANUJA J. (Oral)

1. By way of present petition, prayer has been made for initiation of contempt proceedings invoking Sections 10 & 12 read with Section 16 of the Contempt of Courts Act, 1971, alleging willful disobedience of orders dated 28.04.2021 and 30.06.2021 passed by a Division Bench of this Court in CWP-PIL-77 of 2021, titled as 'Court on its own motion Vs. Union of India and others'. The operative part thereof is extracted hereunder:-

“(iv) that it is further directed that the orders of eviction, dispossession, demolition etc. passed by this Court or any Court subordinate to it or any Tribunal or Judicial or Quasi Judicial forum, which have so far remained unexecuted, shall remain in abeyance till 30th of June 2021;”

The aforesaid direction was later ordered to remain operative till 31.08.2021. The subsequent order dated 30.06.2021 passed by this Court in the aforementioned writ petition is extracted hereunder:-

“Having heard learned Amicus Curiae, who has rendered invaluable assistance and placed before this Court extremely important material to indicate the severity of the pandemic and likelihood of its spurt in the near future, and in view of the consensus to the same expressed by learned counsel for the parties, the interim directions issued by this Court, vide order dated 28.04.2021, shall remain in operation till 31.08.2021.

Adjourned to 20.8.2021.”

2. The grievance faced at the instance of petitioner is that despite there being a specific direction issued by a Division Bench of this Court for keeping the eviction order in abeyance, upon dismissal of objections filed at the instance of petitioner-tenant, warrants of possession were issued vide order dated 09.07.2021 by the Additional Civil Judge (Senior Division), Amloh-cum-Rent Controller. The aforesaid order is extracted hereunder:-

“Gurvinder Pal Singh Vs. Tiwana Transport

*Present:- Sh.G.K. Garg, Advocate for the decree holder.
Sh.A.S. Billing, Advocate for Judgment debtor*

Arguments on the objection filed by judgment debtor heard. Vide my separate detailed order of even date, same stands dismissed.

No warrants of possession of the property under execution, be issued for 08.10.2021.

*Date of Order: 9.7.2021 (Shampy Chaudhary, PCS)
ACJ (SD), Amloh. UID PB-0327”*

Thus, learned counsel for the petitioner submits that there was an apparent willful disobedience of the directions/orders dated 28.04.2021 and 30.06.2021 passed by this Court.

3. I have heard learned counsel for the petitioner and gone through the paper-book as well as comments forwarded by learned

In the humble opinion of this Court, there does not appear to be any willful disobedience of the directions issued by this Court vide orders dated 28.04.2021 and 30.06.2021.

4. As per the report submitted by learned Judicial Officer, counsel representing the petitioner before the Rent Controller appeared and argued his objections against the judgment of eviction and, thus, in such circumstances, it cannot be recorded that there was any intentional disobedience on the part of learned Judicial Officer while disposing of objection petition filed at the instance of petitioner-tenant and also with regard to issuance of consequential warrants of possession.

5. Furthermore, as per the report, counsel representing the petitioner before the Rent Controller/Executing Court never placed reliance upon the orders dated 28.04.2021 and 30.06.2021 passed by this Court. In such circumstances, finding no merit in the present contempt petition, the same is thus, dismissed.

21.08.2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/ No

(HARKESH MANUJA)

JUDGE