



LPA-967-2023 (O&M)

-1-

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

238

LPA-967-2023 (O&M)

Date of Decision: 07.11.2024

Yash Pal Yadav and another

....Appellants

Versus

Bihari Lal now deceased through his Legal Heir Raj Kumar and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Saurabh Mago, Deputy Advocate General, Haryana,
Ms. Kushaldeep Kaur, Advocate and
Mr. Siddhant Arora, Advocate,
for the appellant.

Mr. Rakesh Nehra, Senior Advocate, with
Mr. Sanyam Kheterpal, Advocate,
for the respondents.

G.S.SANDHAWALIA, J. (ORAL)

CM-2471-LPA-2023

This application has been filed under Section 5 of the
Limitation Act, 1963, for condoning the delay of 05 days in filing the
present petition.

For the reasons mentioned in the application, the same is

**LPA-967-2023 (O&M)****-2-**

allowed and the delay of 05 days in filing the present appeal is condoned.

Ordered accordingly.

Main Case.

The present Letters Patent Appeal is directed against the interim order dated 30.05.2023 passed by the learned Single Judge in COCP-1649-2023, whereby the present appellants/officers of the Municipal Corporation, Faridabad, were directed to ensure that the decree dated 28.04.1995 in pursuance to which the petitioner was handed over the possession of the property by the Executing Court on 22.02.2022 is strictly abided by and to provide the necessary police protection to protect the possession of the petitioners.

2. The directions were issued on the ground that civil proceedings had been decreed in favour of the respondents herein to the extent of permanent and mandatory injunction issued, which was upheld by the Apex Court. Learned Single Judge had also noticed that on 14.10.2022, the Executing Court had dismissed the execution on the ground that land was *Shamlat* property and the same was recorded as *Gair Mumkin Johar*. However, after inclusion in municipal limit, the land vested with the Corporation. It was also noticed that the land was recorded as *Gair Mumkin Johar*, as per initial revenue record. The order was silent regarding the said fact while issuing notice of motion. Learned Single Judge has thereafter disposed of the contempt petition on 28.07.2023 with liberty to revive the same, after disposal of the aforesaid LPA, if so required, as stay was granted

**LPA-967-2023 (O&M)****-3-**

on 27.07.2023 in the present appeal.

3. Today, we have been informed that the order of the Executing Court dated 14.10.2022 is also subject matter of CR-3443-2024. In such circumstances, we are of the considered opinion that the learned Single Judge having issued the necessary directions, the private respondents herein would always had remedy to challenge the order passed by the Executing Court. Even otherwise, the permanent and mandatory injunction was not to be enforced by the Contempt Court and the remedy as such was to file revision against the order of the Executing Court and contempt proceedings were not maintainable.

4. Accordingly, we dispose of the present appeal as having been rendered infructuous in view of the contempt petition being disposed of. However, it is clarified that since the private respondents have availed remedy of civil revision, they are not entitled at least to revive the contempt petition, in the peculiar facts and circumstances. All pending application(s) also stand disposed of.

(G.S.SANDHAWALIA)
JUDGE

(DEEPAK GUPTA)
JUDGE

07.11.2024
adhikari

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