

2024:PHHC:121843



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

COCP-3005-2024
Decided on:-16.09.2024

Davinder Lathar and anr.

....Petitioners..

VS.

Sh. Satyaprakash Lakshmana, Chief Administrator,
HSPV

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pankaj Bali, Advocate for the petitioners.

Mr. Deepak Sabherwal, Additional Advocate General, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Sections 11 & 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India, prayer has been made for initiation of contempt proceedings against the respondents on account of alleged willful non-compliance of order dated 12.02.2024 passed by this Court in CWP-2127-2024. The operative part thereof is reproduced hereunder:-

“Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, is present in Court. And, on instructions, he submits that it was owing to wrongful rejection of the applications, submitted by a few of the oustees, who too had applied, pursuant to the same advertisement, as the petitioners, their claim are also being addressed with the petitioners by holding a fresh draw. It is submitted that decision to hold a common draw of lots for all the 36 applicants/oustees had to be

taken because the 17 allottees/oustees, including the petitioners, who were successful in the draw held on 07.10.2020, were proposed to be allotted preferential sites. Whereas, per the policy dated 11.08.2016, preferential sites/plots could only be allotted by way of e-auction. He submits that but for this, names of the 17 allottees/oustees would not have been clubbed with the other 19 applicants/oustees for a fresh draw. He fairly submits that neither the eligibility nor entitlement of the petitioners for allotment of a site/plot being oustees is in doubt. However, the Screening Committee would scrutinize the documents, appended with their applications, which is only a mere formality. And to address the apprehensions of the petitioners, he submits that claim of none of the 17 oustees, including the petitioners, would be rejected, on the ground of eligibility/entitlement. Further, he submits that as the number of sites/plots available in Sectors 32 and 33, Urban Estate, Karnal, are 186, therefore, claim of all the oustees (17+19) would be duly satisfied. And, in every likelihood, they would be issued the regular letters of allotment, within two months from today.”

2. Refuting it, learned counsel for the respondents has filed an affidavit dated 16.09.2024 of Sh. Devendra Sharma, HCS, Estate Officer, HSVP, Karnal on behalf of the respondents in Court today and the same is taken on record. The relevant portion of the stand taken by the respondents in the said affidavit is extracted hereunder:-

“That it is respectfully submitted that 10 number Civil Writ Petitions in respect of oustees claims in urban estate Karnal had been disposed of by this Hon'ble Court and the claim of these applicants are to be reconsidered. After disposal of the writ petitions, the office of the deponent sought fresh report of each case from LAO Panchkula, Tehsildar Karnal and DTP Karnal vide letters dated 22.03.2024, 08.04.2024, 18.04.2024, 23.04.2024 & 09.05.2024 and the same were received on 09.05.2024,

05.06.2024 & 29.07.2024 respectively. Thereafter, the matter was submitted to the office of Administrator, HSVP Panchkula on 12.08.2024 for holding the meeting of the screening committee to decide the claims. However, as the Administrator, Panchkula has been transferred on 24.07.2024 in meantime and seat was vacant hence meeting could not be held immediately. The Administrator, Panchkula joined only on 12.08.2024 and thereafter, the meeting of the screening committee was convened on 29.08.2024 and eligibility has been reexamined and finalized. The proceedings of the screening committee were thereafter drawn and recommendations have been submitted on 04.09.2024 to the Chief Administrator.. The Chief Administrator office has examined the same and submitted the case for approval of the competent authority as per rules. After necessary approval draw will be held and allotment will be made after lapse of model code of conduct which at present is in force for the assembly elections to be held on 05.10.2024. Hence, the matter has been processed diligently and there is no intentional delay and there are bonafide circumstances prevailing in the case as explained hereinabove.”

3. Perusal of record shows that the order by the Writ Court in the present case was passed on 12.02.2024 and the needful with regard to carrying out of draw of lots for oustees category was to be carried out within a period of two months from the said date with there being no dispute at all with respect to the eligibility or entitlement of the petitioners. However, after the expiry of 07 months, the respondents are now trying to take shelter to the issuance of Modal Code of Conduct in the State on account of ensuing Haryana Vidhan Sabha Election 2024, which is evidently a lame excuse as the visible intent of the respondents has been to harass the petitioners, which has compelled him to approach this Court by way of present petition.

Admittedly, the Modal Code of Conduct was imposed only in August 2024,

whereas, the respondents were having more than sufficient time to comply with the specific directions issued by the Writ Court during February 2024 till mid of August 2024.

4. In such circumstances, though apparently and visibly a case of willful and conscious disobedience of the order dated 12.02.2024 passed in CWP-2127-2024 is made out against the respondents, however, considering the fact that the respondents have extended an undertaking to comply with the directions within a period of two months from today, besides tendering their unconditional apology, the officer concerned is saddled with cost of Rs.50,000/- to be paid to the petitioners from his/her own pocket towards uncalled for litigation expense for having made him to approach this Court on account of deliberate non-compliance and inaction.

5. Disposed of accordingly.

6. Rule stands discharged.

However, in case the needful is not done within the aforementioned period, as per the undertaking, the petitioners would be at liberty to seek revival of contempt petition and in that eventuality, the erring/concerned officer would be liable to pay additional sum of Rs.2 lakhs as costs from his/her own pocket in favour of the petitioners towards litigation expenses, immediately, i.e. on the first date of listing of revival application.

16.09.2024
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(HARKESH MANUJA)
JUDGE

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