



COC-3042-2015 (O&M)

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

**COC-3042-2015 (O&M)
Date of Decision: 26.08.2025**

Ragbir Singh and others

.....Petitioners

Vs.

Kuldeep Singh Vaid and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Kushagra Mahajan, Advocate, for
Mr. Rahul Rampal, Advocate,
for the petitioners.

Mr. Manbir Singh Batth, Advocate,
for respondent No.1.

Mr. Ashok Kumar Bazaz, Advocate,
for respondent No.2.

Mr. Animesh Sharma, Addl. A.G., Punjab,
for respondent No.3.

SUDEEPTI SHARMA J. (ORAL)

1. The present contempt petition has been filed for deliberate and intentional disobedience of order dated 04.10.2008 passed by the Division Bench of this Court in CWP-4886-2003.
2. The relevant portion of the order dated 04.10.2008 passed by the Division Bench of this Court in CWP-4886-2003 is reproduced as under:-

“[11]. While, we are not inclined to continue monitoring the enforcement activities of the Corporations indefinitely, their persistent inaction in the past, warrants suitable directions to the authorities of the Municipal Corporations and the State Government, to ensure that the ongoing process of removal of encroachments is



taken to its logical conclusion and no one is allowed to grab the public properties in future also with or without the connivance of the authorities concerned. We accordingly dispose of this writ petition with the following directions:-

(i) the State of Punjab is directed to take a conscious policy decision, in accordance with law for removal and/or regularization of the encroachments, if any, made on the public lands by the government's Educational Institutes, Hospitals, Dispensaries, Police Stations, etc. keeping in view the fact that such institutions are not to be placed at the same pedestal as a private individual encroacher;

(ii) the directions issued by this Court on 10.2.2004 restraining the State Government from regularizing unauthorized encroachments and constructions, provided that such encroachments are other than by the government or public institutions, are made absolute;

(iii) the civil courts before whom the cases pertaining to encroachments made within the areas of Municipal Corporations, Ludhiana, Bhatinda and Patiala are pending, are directed to expedite the disposal of those cases preferably within two years of their institution;

(iv) the Municipal Corporations are directed that encroachments from all those public properties except falling within the direction No.(i) above and/or wherever the civil court has decided the matter in favour of the private individuals, shall be removed and the lands will be retrieved forthwith but not later than six months from today;

(v) the Municipal Corporations are further directed to constitute and notify the Enforcement and Monitoring Committees for one or more areas which shall periodically report to the Municipal Commissioner regarding the status of the encroachments, if any, their taking place or being removed within the area. Necessary and prompt action shall be taken by the Municipal authorities to nip it in the bud;

(vi) the Municipal Corporations shall forthwith locate the encroachment prone areas and take all necessary safeguards/preventive measures against possible trespass/encroachments, viz., erecting



barbed-wire fencing, displaying notice-boards containing statutory warning, etc., and make the Encroachment and Monitoring Committee of the respective area accountable for any lapse or inaction on its part;

(vii) the Municipal Corporations shall also evolve public participation in their anti-encroachment drive by constituting Vigilance Committees of the NGOs/citizens who may volunteer to inform the municipal authorities including the Enforcement and Monitoring Committees regarding any fresh encroachments so that the desired action in terms of direction No.(v) above can be taken without any delay;

(viii) if a public spirited person notices that any encroachment is not being removed and/or being allowed to take place in connivance with the employees, authorities or councillors of the Municipal Corporation, he/she shall be at liberty to institute contempt of court proceedings against such person and/or Municipal authorities for their act of willful and deliberate disobedience of the directions issued hereinabove.”

3. In compliance of the aforesaid order dated 04.10.2008, reply by way of affidavit dated 17.01.2019/21.01.2019 of Kanwalpreet Brar, IAS, Commissioner, Municipal Corporation, Ludhiana, has been filed on behalf of respondent No.2. The relevant portion of the said reply is reproduced as under:-

“2. That the deponent has joined as Commissioner, Municipal Corporation, Ludhiana on 17.07.2018 and the deponent was not arrayed as Respondent at any stage in this Contempt petition. Even the reply to the Contempt Petition on behalf of the Municipal Corporation was filed by Kamaljeet Kaur, Senior Town Planner, Ludhiana on 29.09.16. However, on receipt of the information of the interim order dated 14.11.2018, the Joint Commissioner, supervising the work of the Town Planning (Building) branch was asked to put up the facts in detail and who in his detailed report submitted that:-



- (i) *The statement given by S. Gurmeet Singh, Kanugo, Halga Gill, Ludhiana on dated 14.11.2018 in the Hon'ble High Court that no Mandir exist at disputed site was incorrect;*
- (ii) *The demarcation report submitted by the Tehsildar, Ludhiana in the Hon'ble High Court on 14.11.2018, in respect of the land of decree dated 28.11.2006 passed in Civil Appeal No.54 of 27.04.2006 arising from judgment and decree dated 27.02.2006 passed in Civil Suit No.963 dated 29.11.1995 was prepared without any notice or knowledge of the Municipal Corporation despite directions dated 09.10.18 of Hon'ble High Court that the Tehsildar shall carry out demarcation in the presence of the parties on 25.10.2018;*
- (iii) *The Ludhiana Improvement Trust has suffered civil court decree dated 28.11.2006 (Annexure R-2) passed by Additional District Judge, Ludhiana in original Civil suit no 963 dated 21.11.1995 as per which the Ludhiana Improvement Trust was restrained from interfering in the peaceful possession of the plaintiff Maharishi Valmiki Sabha (Regd) from land shown red in the site plan attached with plaint situated in New Kartar nagar Gali No 2 Opposite Dhuri Phatak, Fatak No.C-3, Ludhiana comprising in Khewat no 2232, Khatauni no 3022 and khasra no 33, Village Gill-2, Tehsil & Distt Ludhiana and in this Civil suit, the Municipal Corporation was not party. Further in the site plan attached with plaint, the area of property was shown as 32' X 105' only.*
- (iv) *That Maharishi Balmiki Sabha (Regd), Ludhiana filed an application under Order 39 Rule 2A against the officers of the Ludhiana Improvement Trust on 22.10.02 for violation/ disobedience of the interim order of "status quo" granted by the Id Civil Court on 21.11.1995 in the Civil Suit No.963 dated 21.11.1995 and that Hon'ble Civil Court vide order dated 5.5.2012 (Annexure R-2/1), held the respondents no. 2 to 4 guilty and accordingly were directed to pay a sum of Rs.25,000/- as compensation to the plaintiff/applicant.;*
- (v) *That in reply to the Contempt petition, Mrs Kamaljeet Kaur, Senior Town Planner has filed an*



affidavit of reply dated 29.09.2016, on behalf of the Respondent no 2 and it was affirmed therein that the site which has been contended to be encroachment over the public land by the petitioners in this contempt petition is covered by the decree dated 28.11.2006, Annexure R-2/2, however the Corporation did not allow any fresh construction, but the employees were confronted with the order & Judgement and decree of the Id Civil Court Ludhiana, Annexure R-2/1 and Annexure R-2/2 respectively;

(vi) That the petitioner during the hearing of the Contempt Petition has asserted that the property covered by the Ld. Civil Court decree dated 28.11.2006 is situated opposite Railway Crossing in Kartar Nagar whereas in the present contempt petition, the petitioners have prayed for removal of encroachment from public land, which was earmarked for pavement & parking abutting the shops/booths in Block “D” of Model Town Extension Scheme and thus the petitioners disputed the stand taken in the affidavit of reply dated 29.09.2016 of Municipal Corporation.;

(vii) On directions of the Hon'ble High Court, after survey of the disputed site, Sh. Vijay Kumar, Assistant Town Planner, Zone “D” has filed an additional affidavit dated 08.10.2018 in this Contempt petition and after comparing the khara plan prepared by the Ludhiana Improvement Trust of the Scheme area interalia affirmed that Maharishi Balmiki Mandir is situated at site which is 31 feet x 35 feet and the site is falling in Khasra No 33, Village Gill-2, Ludhiana. It was also asserted that adjacent to the said structure, there also exist another structure outside which a sign board “Chitti Kothi Darbar” Shiv Dham has been displayed. The total area in possession of both said structures is app. 31 feet X 105 feet and that in the Ld Civil Court Ludhiana in the decree dated 28.11.2006 passed in favour of the Maharishi Balmiki Sabha and against Ludhiana Improvement Trust, the suit property in the site plan was shown as 32 feet X 105 feet. It was also asserted in the affidavit ibid that the structures over land measuring 31 feet X 105 feet have been erected on



land reserved for parking in the sanctioned Development scheme plan of the said Scheme.

(vii) A visit to site has confirmed that as shown in the Photograph, Annexure R-2/3, a “Mandir room” is existing at site in the property measuring 31' X 35' in the possession of Maharishi Balmiki Sabha (Regd) and hence the statement given by Sh Gurmeet Singh Kanugo in the Hon'ble High Court on 14.11.2018 that no mandir exist at site is incorrect.

3. That considering the detailed report of the Joint Commissioner, a letter dated 07.12.2018, Annexure R/2/4 was written to the Tehsildar, Ludhiana intimating him that since Mandir already exist at site and hence the statement dated 14.11.2018 of Sh. Gurmeet Singh Kanugo in the Hon'ble High Court was incorrect and that as the demarcation report has been prepared in the absence of the representative of the Municipal Corporation, therefore, afresh demarcation may be carried out at site in the presence of Corporation official. However, Tehsildar, Ludhiana vide letter dated 11.12.2018 intimated the Municipal Corporation that a committee of officials have been constituted for demarcation and the Municipal Corporation may contact the committee for further action. Thereafter the employee of Municipal Corporation visited the tehsil office number of times but no member of the committee agreed to demarcate the property mentioned in the Civil Court decree dated 28.11.2006.

4. That now it has also emerged on record that considering request of Maharishi Balmiki Sabha (Regd), Ludhiana, which request was presented by the Sabha to the Hon'ble Chief Minister, Punjab, the Ludhiana Improvement Trust has passed a resolution no.391 dated 09.12.2016, Annexure R-2/5 thereby resolving to allot alternative land to the Maharishi Balmiki Sabha in lieu of the land covered by the decree dated 28.11.2006. It was also resolved in this resolution Annexure R-2/5 that on allotment of alternative piece of land, the pending Contempt Petition proceedings shall come to an end. It has also emerged on record that Ludhiana Improvement Trust has suffered another Civil Court decree dated 16.08.2005 and the decree holder is now in possession of the large portion of the land as shown yellow in the Scheme plan, Annexure R/2/6 and building named as Chitti Kothi Darbar is in existence on this portion.



Further, though the Improvement Trust Ludhiana has sanctioned Shops/booth over the land in possession of Chitti Kothi Darbar in the sanctioned scheme plan yet physically no shop/booth were carved out. Still further, it is also confirmed in the office report that though Maharishi Balmiki Sabha (Regd) had obtained decree dated 28.11.2006 for land measuring 32' X 105' as shown in the site plan annexed along with the plaint, Annexure R-2/6 yet they are in possession of only 31' X 35' area as submitted in the affidavit of Sh. Vijay Kumar, Assistant Town Planner, Municipal Corporation, Ludhiana dated 08.10.2018.

5. That on 22-11-2018 a request letter was received for compliance of the Hon'ble High Court order dated 14.11.2018 for removal of the encroachment made by Maharishi Balmik Sabha (Regd.), Ludhiana. Accordingly the staff of the M.C visited the site and apprised the representative of Maharishi Balmik Sabha of Hon'ble High Court order dated 14.11.18, but they refused to accede to the demand for removal of the encroachment. The representative of Maharishi Balmik Sabha asserted that the property is in their possession for last number of the years and above all the Hon'ble Civil Court has already passed a decree dated 28-11-2006 in their favour, therefore, it is wrong to allege that the Sabha has encroached upon the public property. Immediately thereafter, Maharishi Balmiki Sabha (Regd), Ludhiana has filed an application under Order 21 Rule 32 read with section 151 of the CPC in the Civil Court, Ludhiana, Annexure R-2/7 interalia levelling accusations that an attempt has been made to interfere in the peaceful possession of the Applicant/ DH in the suit property in disobedience of decree dated 28.11.2006 by the respondents, which include the Assistant Town Planner, Zone "D" and the Commissioner, Municipal Corporation, Ludhiana, the Respondents no.7 and 8 and as such the respondents may be sent to civil imprisonment. It is also contended by the applicant that Municipal Corporation has stepped into the position of Ludhiana Improvement Trust/the Judgment debtor, because now the maintenance of scheme area is with the Municipal Corporation, Ludhiana.. The application of Maharishi Balmik Sabha (Regd.) Ludhiana is now fixed for further hearing for 08.02.2019 and on the last date of hearing, the Counsel of the Municipal Corporation has appeared on behalf of Respondents no.7 and 8."



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4. In view of the above, order dated 04.10.2008 passed by the Division Bench of this Court is complied with. Consequently, the present contempt is purged and rule stands discharged.

5. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

26.08.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No