

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****209****COC-1374-2023(O&M)****Date of decision: 20.08.2025****Pawan Kumar****...Petitioner(s)****Vs.****Arun Kumar Gupta & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Kanishtha Ganeriwala, Advocate
For the petitioner.

Mr. Priyavrat Prashar, AAG Haryana.

Mr. Deepak Sabherwal, Advocate
for respondent No.2.

NIDHI GUPTA, J.

Present Contempt Petition has been filed alleging violation of: a) order dated 06.07.2015 (Annexure P1) passed by this Court in CWP-13144-2015 titled as "Pawan Kumar Vs. State of Haryana & Others", whereby the Writ Petition was disposed of by granting liberty to the petitioner to file a detailed and comprehensive representation raising all pleas to be submitted to the respondents within two months from the date of order; with further direction to the respondents to decide the same within a period of 4 months; **and** b) order dated 31.07.2015 (Annexure P2) passed by this Court in CWP-



13144-2015 titled as “Pawan Kumar Vs. State of Haryana & Others”, whereby it was clarified that till the matter is decided by the concerned authorities, status quo shall be maintained by the parties; and in case no representation was filed by the petitioner, the interim order shall cease to operate.

2. It is submitted by learned counsel for the petitioner that despite the aforesaid clearcut directions of this Court, and in wilful, deliberate disobedience of the aforesaid directions of this Court, the representations dated 02.06.2016 (Annexure P5) and 19.08.2016 (Annexure P6) submitted by the petitioner remained unanswered till date; and inaction in the same is a clear violation of the directions issued by the Division Bench of this Court; and is therefore a case of continuing contempt. It is contended that the sole reason for the deliberate inaction of the respondents on the said representations was to hush up the matter since the time period of 4 months granted by this Court vide order dated 06.07.2015 (Annexure P1) had elapsed. (In this regard, also Reference pleadings/averments made in para 15 of the present contempt petition.) It is accordingly submitted that present Contempt Petition be allowed and the respondents be summoned, tried and punished for wilful and deliberate disobedience of the order dated 06.07.2015 (Annexure P1) and order dated 31.07.2015 (Annexure P2) passed by this Court in CWP No.13144 by undermining the majesty of this Court in passing an order dated 16.09.2016 (Annexure P8) by ignoring the



representations (Annexure P5 and P6) which is in utter disregard and disobedience of the orders (Annexure P1 & P2) of its true letter and spirit.

3. Learned counsel for the respondents vehemently opposes submissions of the petitioner and points out that the petitioner had submitted representations dated 02.06.2016 (Annexure P5) and 19.08.2016 (Annexure P6), which were decided by the respondents vide Speaking Order dated 16.09.2016 which has been appended by the petitioner himself as Annexure P8, with the present contempt petition. Therefore, no contempt is made out against the respondents. Ld. Counsel further takes this Court through the record of the case in detail to demonstrate that petitioner is misusing the process of law.

4. No other argument is made on behalf of the parties.

5. I have heard learned counsel and perused the case file in detail.

6. A perusal of the order dated 06.07.2015 (Annexure P1), shows that the petitioner was required to submit a representation within two months. The pleadings of the contempt petition reveal that the petitioner had first submitted a representation dated 18.07.2015 (Annexure P3), however, the said representation was made to the wrong authority viz Administrator, HSVP, Gurgaon; whereas as per Government Notification, the said matters are examined by the Zonal Committee and therefore, representation was not made to the correct authority. Record further reveals that the Zonal Administrator-cum-Additional Director, Urban Estates,



Haryana, Gurugram gave personal hearing to the petitioner on 31.08.2015, 28.09.2015 and 29.12.2015 and after hearing the petitioner, submitted the recommendations of the Committee to reject the request of the petitioner to claim lapse of acquisition under Section 24(2) of the 2013 Act, to the Director General, Urban Estates, Haryana, Panchkula vide Memo No.7050 dated 30.04.2016. The said recommendations were considered by the Government and vide Memo No.A-I-2016/7567-71 dated 19.07.2016, the recommendations were approved and Zonal Administrator-cum-Additional Director, Urban Estates, Haryana, Gurugram was requested to pass the detailed Speaking Order.

7. In the meantime, the petitioner had submitted representations dated 02.06.2016 (Annexure P5) and 19.08.2016 (Annexure P6), which were decided by the respondents vide Speaking Order dated 16.09.2016 (Annexure P8). However, it was the contention of the petitioner that the said order had been passed by the wrong authority viz Chairperson-cum-Zonal Administrator, HUDA, Urban Estate, Gurgaon. Accordingly, a fresh order dated 14.02.2017 (Annexure R1) was passed by the Additional Director, Office of: Director, Urban Estates Department, Haryana, Panchkula, again rejecting the aforesaid representations of the petitioner.

8. The said orders dated 16.09.2016 (Annexure P8) and 14.02.2017 (Annexure R1) were challenged by the petitioner before this Court by way of Civil Writ Petition No.16081-2017 titled as "Pawan Kumar Vs. State of



Haryana & Others”, which was dismissed by a Division Bench of this Court vide order dated 31.08.2020 (Annexure R2); thereby also vacating the status quo order. However, liberty was granted to the petitioner that if he makes a representation invoking Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, it will be for the respondent-authorities to examine it and pass an appropriate order in accordance with law. Thereafter, the petitioner made a representation dated 09.09.2020 to the respondents, which was also rejected by the respondents vide Speaking Order dated 18.08.2023 (Annexure R3).

9. The order dated 31.08.2020 (Annexure R2) passed by the Division Bench of this Court in CWP No.16081-2017 was challenged by the petitioner before the Hon’ble Supreme Court by way of SLP(C) No.5283 of 2021, which was disposed of vide order dated 19.07.2021. However, these complete facts have not been disclosed by the petitioner in the present Contempt Petition.

10. From the above facts, it is clear that the orders dated 06.07.2015 (Annexure P1) and 31.07.2015 (Annexure P2) have been duly complied with by the respondents many times over. No doubt, Public functionaries are available for the service of the citizen. However, public time cannot be misused at the whims and fancies of errant and indiscriminating persons like the petitioner who are aware of their rights, but not their duties. Perusal of



the above facts further shows that the petitioner has also grossly misused the due process of law by filing the present petition, alleging that the orders dated 6.7.2015 and 31.7.2015, have been wilfully disobeyed by the respondents by passing *“order dated 16.09.2016 (Annexure P8) by ignoring the representations dated 02.06.2016 (Annexure P5) and 19.08.2016 (Annexure P6), which is in utter disregard and disobedience of the orders dated 06.07.2015 and 31.07.2015 (Annexure P1 and P2).”*

11. In the face of the above said facts, I refer to a fairly recent judgment of the Hon’ble Supreme Court in **“K. Vadivel v. K. Shanthi” (SC) : Law Finder Doc Id # 2649954: SLP Criminal No.4360 of 2022 decided on 30.09.2024**, wherein, in similar circumstances, the Hon’ble Apex Court was constrained to observe that *“These misadventures directly impinge on the rule of law, because they add to the pendency and consequential delay in the disposal of other cases which are crying for justice. It is time that such frivolous and vexatious proceedings are met with due sanctions in the form of exemplary costs to dissuade parties from resorting to such tactics.”*

12. I find the present to be one such case where the valuable time and the resources at the disposal of this Court have been wasted. In view of the above, the present petition is **dismissed** however, with costs of Rs.50,000/- to be deposited by the petitioner before the learned Chief Judicial Magistrate, Gurugram, within two weeks from today; failing which it



is directed that the learned Chief Judicial Magistrate, Gurugram, shall take action against the petitioner for recovery of the said amount, in accordance with law, under intimation to this Court. Registry is directed to send a copy of this order to the learned Chief Judicial Magistrate, Gurugram through the learned District and Sessions Judge, Gurugram, for compliance.

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

20.08.2025

Sunena

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

(Nidhi Gupta)
Judge