IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

COPC No.1697 of 2026

IN

CWP No.14960 of 2024

Decided on: 26.10.2026

Chetan Kumar .....Petitioner

Versus

M/s Shubham Propmart (P) Ltd. and another ....Respondents

Coram:

Hon'ble Mr. Justice Ranjan Sharma, Judge

[1] *Whether approved for reporting?*

For the petitioner: Mr. Aditya Thakur, Advocate.

For the respondents: Nemo.

Ranjan Sharma, Judge

Petitioner has invoked contempt jurisdiction of this Court, alleging non-compliance of the judgment dated 07.09.2026 *[Annexure P-1],* passed by this Court, in ***Civil Writ Petition No.14960 of 2024,*** titled as *Chetan Kumar versus State of Himachal Pradesh & Ors.,* wherein, the Co-ordinate Bench of this Court had passed the following order:-

> "5. In view of the above, nothing remains to be adjudicated in the instant petition and accordingly, the same is disposed of with a

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[1] *Whether reporters of Local Papers may be allowed to see the judgment?*

> direction to respondent No.5 and 6 to ensure that 100 litres of water per day is supplied to the petitioner as per compromise deed detailed hereinabove, but at first instance, all the storage tanks kept on the lintel of the petitioner's house shall be filled, thereafter petitioner shall be entitled to receive only 100 litres of water per day. Needless to say, petitioner shall always be at liberty to file appropriate proceedings in appropriate court of law qua the dispute, if any, with regard to construction of water tanks by the respondent No.4-Gram Panchayat....."

2. Perusal of the order under reference indicates that the Writ Petition was closed by the Co-ordinate Bench but with the direction to Respondents No.5 and 6 to ensure that 100 litres of water per day is supplied to the petitioner as per compromise deed detailed hereinabove.

3. After passing of the judgment dated 07.09.2026, nothing has been placed on record that the petitioner had requested Respondents No.5 and 6 to implement the judgment as passed by this Court. Contempt jurisdiction is not a substitute for Execution. Unless and until, the petitioner asserts a right and there is corresponding wilful and intentional disobedience of the judgment, the petitioner cannot invoke the contempt

jurisdiction of this Court. Considering the above facts, this Court is not inclined to entertain the contempt petition.

4. Faced with above situation, Learned Counsel submits that petitioner may be granted liberty to avail appropriate remedy, seeking implementation of judgment in respect of Respondents No.5 and 6 hereinabove *[Statement Taken on Record].*

5. In aforesaid terms and as prayed by Learned Counsel for the petitioner, instant petition is closed, reserving liberty to avail appropriate remedy hereinafter in accordance with law.

In aforesaid terms, instant petition and all the pending miscellaneous application(s), if any, shall stand disposed of.

(Ranjan Sharma)
Judge

October 26, 2026
[Bhardwaj]