



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
101+201

COC-42-2023(O&M)
Date of decision: 18.04.2026

Daljit Singh & Others

...Petitioner(s)

Vs.

Manzoor Hussain & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Manish Dadwal, Advocate for the petitioners.

Mr. Saurav Verma, Addl. AG Punjab
Mr. Manmeet S. Teji, AAG Punjab with
Ms. Aashika Jain, DC Hoshiarpur/respondent No.3

Mr. Balwant Singh, Naib Tehsildar, Garhdiwala/respondentNo.5

Mr. Pawan Kumar, SDO/respondent No.6

Mr. Mandeep Singh, JE/respondent No.7 and

Mr. Taranjit Singh, JE/respondent No.8
All in person.

NIDHI GUPTA, J.

CM-7495-CII-2026

This is an application under Section 151 CPC on behalf of the applicants/petitioners to place on record reply to the affidavit dated 17.3.2026 filed by respondent No.3.



After going through the contents of the application, which is supported by affidavit of applicant/petitioner No.1, the same is **allowed** subject to all just exceptions and reply to the affidavit filed by the respondent No.3 is taken on record.

CM-8012-CII-2026

This is an application under Section 151 CPC for exemption from personal appearance of Krishan Kumar, Principal Secretary to Government of Punjab, Department of Water Resources in support of application under Section 151 CPC for exemption from personal appearance before this Court for 18.04.2026.

After going through the contents of the application, the same is **allowed** subject to all just exceptions.

MAIN CASE

Present Contempt Petition has been filed by the petitioners alleging violation of the order dated 08.08.2014 passed by a Division Bench of this Court in CWP-10555-2014 titled as “Daljit Singh & Others Vs. State of Punjab & Others”, whereby it was directed as follows:-

“CM No.8424 of 2014

For the reasons recorded in the application, the same is allowed subject to all just exceptions and the documents at Annexures P11 and P12 are taken on record.



CM stands disposed of.

CWP No.10555 of 2014

The land of the petitioners was acquired by the State of Punjab. Although compensation was determined but it is the case of the petitioners that neither the compensation has been deposited before the competent court nor the actual physical possession has been taken and, thus, the acquisition proceedings have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Notice of motion.

On our asking, Ms. Manisha Gandhi, Additional Advocate General, Punjab accepts notice on behalf of the State. Let three copies of the writ petition be supplied to learned State counsel during the course of the day.

Keeping in view the above contentions raised by the counsel for the petitioners, we direct the State of Punjab to find out as to whether the compensation has been deposited in competent court and/or the actual physical possession has been taken or not.

Post on 05.09.2014.

In the meantime, there shall be status quo as it exists today.”

2. On the last date of hearing i.e. 27.03.2026, following order was passed:-

“Prayer in the present application (CM-16209-CII-2025) is for placing on record additional affidavit of the applicant-petitioner No.1- Daljit Singh alongwith true translated copy of Roznamcha



as Annexure P- 3) and exemption from filing the certified/typed copy thereof.

Notice in the application.

Learned counsel for the State accepts notice of the application.

Learned counsel for the respondents has placed on record the affidavit dated 17.03.2026 of Ms. Aashika Jain, Deputy Commissioner, Hoshiarpur (respondent No.3), which is taken on record. A copy thereof has been supplied to learned counsel for the applicants-petitioners.

Learned counsel for the respondents submits that the document dated 28.03.1989 (Annexure R-1) is a Rapat Roznamcha.

Per contra, learned counsel for the petitioners seeks time to file a reply to the said affidavit and submits that the document in question is not a Rapat Roznamcha, but pertains to a Munadi allegedly conducted by the respondents under Section 4 read with Section 17(1) of the Land Acquisition Act, indicating the proposed acquisition of the land of the petitioners. It is further submitted that the said document has already been placed on record by the petitioners as Annexure P-3, annexed with the present application. This Court has considered the rival submissions and deems it appropriate to grant an opportunity to the petitioners to file a response to the affidavit dated 17.3.2026 so as to clarify the nature and evidentiary value of the document in question.

It is also pertinent to note that vide order dated 11.02.2026, the respondents were specifically directed to remain present in Court to explain the position in the matter. However, despite the aforesaid clear direction, none has chosen to appear on behalf of the respondents today. The said conduct reflects a lack of



seriousness and due regard to the orders passed by this Court and cannot be appreciated. Such non-compliance of the directions issued by this Court, without any justifiable cause, is viewed seriously.

In view of the above, the matter is adjourned to 18.04.2026 for filing of reply by the petitioners to the affidavit dated 17.03.2026. The presence of the concerned respondents shall now be secured before this Court through the local SHO on the next date of hearing. It is made clear that in case of continued non-compliance, this Court shall be constrained to take appropriate action in accordance with law."

3. In compliance of the aforesaid last order, the remaining respondents are present before this Court.

4. It is the contention of the petitioners that in violation of the abovesaid order dated 08.08.2014, compensation has not been paid to the petitioners till date. Further, even the status quo order has also been violated as respondents are disturbing the possession of the petitioners over the property in question. It is pointed out that vide order dated 07.01.2016, the above-said CWP-10555-2014 had been adjourned sine die as follows: -

*"Present: Mr. Manish Dadwal, Advocate
for the petitioners.*

Mr. Manoj Bajaj, Additional A.G. Punjab.



The hearing of the present petition is adjourned sine die with a direction to post the writ petition for hearing after the decision of Hon'ble Supreme Court in Civil Appeal No.4835 of 2015 titled State of Haryana and another v. Maharana Partap Charitable Trust.

The liberty is given to the parties to apply for hearing of the petition after decision of the aforesaid Civil Appeal as well.

The parties shall maintain status quo regarding possession till further orders.

(.....)

JUDGE

(.....)

JUDGE"

5. Again on 16.11.2019, following order was passed:-

"Present : Ms. Neha Jain, Advocate for

Mr. K. S. Dadwal, Advocate for the petitioners.

Mr. Sahil Sharma, DAG, Punjab.

** * **

SLP is pending before Hon'ble the Supreme Court.

Adjourned sine die.

To be listed on moving application after decision of the SLP."

6. It is submitted that therefore, it is clear that status quo order regarding possession was continuing till date and had not been modified or vacated by this Court. Yet the respondents No.4 to 8 in clear contravention of the aforesaid orders had come to the spot on 20.12.2022 and endangered the



life of the family members of the petitioners by saying that they are going to start the construction work on 21.12.2022 and if any person attempts to stall the construction, they will be behind bars, despite the fact that the said respondents were well aware of the status quo order. Accordingly, the petitioners had immediately moved an application No.852 dated 20.12.2022 before the SHO, Police Station Garhdiwala, District Hoshiarpur. However, no action was taken on the application. The petitioners had even served a legal notice dated 21.12.2022 (Annexure P2) upon the respondents calling upon them to forthwith stop the illegal work and comply with order dated 08.08.2014. However, the respondents have failed to comply. Accordingly, present Contempt Petition was filed on 03.01.2023.

7. The aforesaid contentions of the petitioners are vehemently controverted by learned counsel for the respondents who refers to the reply dated 29.03.2023 filed by way of affidavit of Ms. Komal Mittal, IAS, Land Acquisition Collector, Dholbaha Dam Construction Circle, Hoshiarpur. It is submitted that as stated in the above-said affidavit, land of the petitioners was acquired in the year 1989. Notice under Section 9(3) and 10 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") dated 04.08.1986 (Annexure R/T-1) was received by the petitioner No.3 for submitting objections. No Objections were received by the Land Acquisition Officer from the petitioners. Subsequently, Notification was issued under Section 4 of the Act;



followed by a declaration dated 30.03.1989 issued under Section 6 of the Act; whereafter Awards dated 23.09.1991 were announced. In this regard, learned State counsel also refers to the submissions made in Paras 3 to 5 of the said affidavit dated 29.3.2023, which read as follows:-

“3. That the said land was acquired during the year 1989 and award was announced by the Land Acquisition Collector vide Award No. 112-A, 112-B, 112-C and 112-D on 23-03-1991. Notice under Section-9(3) and 10 of the Land Acquisition Act I, 1894 was served on dated: (04.08.1986) (Annexure R/T-1) and was received by the petitioner no. 3 for attending the office of Land Acquisition Officer, Dholbaha Dam Construction Circle, Hoshiarpur on dated: 21.08.1986 for submitting any objections regarding their claims to compensation or any measurement made under the Section-8 of the Act. However, in reply to that Notice no objections were received by the Land Acquisition Officer from the petitioners at that time. The total compensation amount of for Total Land Measuring 17-00 Kanal at the rate of Rs. 45.14/- (For Baraani Land) was given to Dhyaan Singh, Sandhya Dass (Father of Petitioners), Charan Singh, Kartar Singh, Lekh Raj (All Sons of Jagan Nath), Out of which share of Sandhya Dass (Father of Petitioners) was Rs. 5022.28/- was duly deposited with Land Acquisition Officer, Hoshiarpur by the Date of Possession by Department on dated: 22.03.1991 but neither the petitioner nor their predecessor approached the Land Acquisition Officer to collect the compensation amount and is already informed to the Hon'ble Court in the previous reply of the Civil Writ Petition. This amount can be released to the petitioner. Since then the



possession of land is with Govt. of Punjab. After the possession of land Kandi Canal was constructed at that site between R.D. $\pm$ 34092 to R.D. $\pm$ 34358 Mtr. during the year 1993- 1994. It is also pertinent to mention here that the petitioners are also using the canal water and paying user charges (Abiana) to the Govt. It is brought to the notice of this Hon'ble Court that status quo regarding possession has not been changed because the land was in the possession of Govt. of Punjab before the orders of Hon'ble Court and land is still in the possession of Govt. of Punjab after the orders of Hon'ble Court. The land is in the possession of Govt. since 1991.

4. That as per award dated 22.03.1991 no super structure exists on the said land. Therefore, no question of making assessment for compensation for the same. As per revenue record of Jamabandi for the year 1985-86 the said land is shown as Barani. Copy of the translated Jamabandi is attached as (Annexure R.2 of the reply of C.W.P. 10555 of 2014). That there was no Abadi at the time of acquisition in Khasra No. 973. Khasra No's 970, 971, 972, 973, 974, 1015 falls under the constructed canal as shown in Shajra Map (Annexure R-3 of the reply of C.W.P. 10555 of 2014).

5. That father of the petitioners namely Shri Sandhya Dass filed C.W.P. No. 4754 of 1993 seeking the quashing of Notification in view of the provisions of Section 11 and Section 11-A of the Act 1894. C.W.P. No. 4754 of 1993 was clubbed with similar CWP's and decision was announced by Justice M.M. Kumar and Justice Gurdev Singh on September 13, 2011. The operative part of the judgment in C.W.P. 16745 of 1991 is reproduced as under:-



"12. For the aforementioned reasons, these petitions fail and the same are dismissed. If the award with regard to super structure has not been announced then the same shall now be done within a period of three months from the date of receipt of a certified copy of this order".

It is brought to the notice of this Hon'ble Court that as per award dated 22.03.1991, no superstructure exist on the said land. Therefore, no question of making assessment for compensation for the same."

8. It is submitted that therefore, the respondents had duly deposited the compensation before the Land Acquisition Collector, and it is for the petitioners to file appropriate application(s) to withdraw the said compensation, or not, as they choose fit.

9. It is further submitted that possession of the said land had been duly taken by the respondents vide Rapat No.2695 (Annexure R1), which reads as follows:-

"28 March 1989 as per 7 Chetar Saka 1911

Today order of the DC received vide letter No. LAE 357-DR AH 750-51 dated 15-03-89 OK No. 399 accordingly Mustri Munadi conducted in the Vill. Bhanowal, through the chowkidar Ram Kishan in loud voice by beating drum vide Notification No. 501-4/3-Inv/89 dated 23-03-1989 that Khasra No. 76... .. total area 22-96 acquire for Kandi Canal R.D. 32395 R.D. 42762 as per section 4 Land Acquisition Act 1894 and section 17(1) Rapat entered at 2695 in daily general dairy (Rojnamcha Waquati)

Sd/- Ram Kishan"



10. It is submitted that therefore, possession of the suit land had been duly taken by the respondents as far back as in the year 1989-91. Thus, contention of the petitioners that they are in possession of the said land is totally incorrect. Therefore too, there is no violation of the status quo direction given by this Court vide order dated 8.8.2014; as it was the respondents themselves who were in possession of the land in question.

11. It is further submitted that as noted above, the Writ Petition had been adjourned sine die vide order dated 07.01.2016 to await decision in the Civil Appeal No.4835-2015. Learned counsel points out that the said SLP stands decided by the Hon'ble Supreme Court vide judgment dated 06.03.2020. However, no application has been moved by the petitioners till date for revival of the Writ Petition. It is contended that in view of the fact that the status quo was subsisting only till the pendency of the Writ Petition; which had been adjourned sine die to await the decision of the Hon'ble Supreme Court in the SLP; which admittedly stands decided vide judgment dated 06.03.2020, it cannot be stated that the status quo order is still subsisting.

12. Learned State counsel further submits that the present Contempt Petition is based merely on the allegation that in December 2022, the respondents No.4 to 9 had come to the spot, threatened family members of the petitioners and had started work at site with the crane. Learned counsel contends that in view of the above-noted facts that SLP already stood decided



vide judgment dated 06.03.2020, the status quo order cannot be stated to be in operation and therefore, even if respondents were carrying on any work, the same cannot be stated to be in violation of the order dated 08.08.2014. Nonetheless, it is clarified that only repair work of concrete lining on the canal which had already been constructed in the year 1993-94 was being carried out by the respondents in 2022.

13. It is lastly submitted by learned counsel for the respondents that in actual fact, the land of the petitioners had been acquired by the respondents under Section 17 of the Act, whereunder special powers in cases of urgency are conferred upon the State. However, the petitioners have deliberately sought to mislead this Court. It is pointed out that vide CM-16209-CII-2025, the petitioners have placed on record Annexure P3 dated 03.12.1992 wherein at page 11 of the said application, the petitioners have mentioned that *“total land measuring 22.96 are hereby acquired under section 4 of the Land Acquisition Act, 1895 for Kandi Canal RP395RD 42762. Report OF Daily diary has been registered at 2697.”*. Learned counsel refers to the vernacular of the said Annexure P3 (at page 13 of the said application) to submit that it is clearly mentioned in the Rapat Roznamcha dated 03.12.1992 that the acquisition is under Section 17(1) of the Act. It is accordingly prayed that fraud has been committed by the petitioners upon this Court and the Contempt Petition is not



maintainable for the reasons mentioned hereinabove and the same may be dismissed with costs.

14. At this stage, learned counsel for the petitioners prays that he may be permitted to withdraw the present Contempt Petition.

15. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in great detail.

16. The Id. Counsel for the petitioners has abjectly failed to dispute or controvert the above said submissions of the learned State Counsel. No rejoinder has been filed by the petitioners to the reply/affidavit dated 29.03.2023 filed on behalf of the Land Acquisition Collector, Hoshiarpur/respondent No.3. Consequentially, the facts stated therein have not been disputed or denied by the petitioners.

17. In para 3 of the abovesaid reply dated 29.3.2023, the State has taken a clear and categorical stand that the land had been acquired in the year 1989; whereafter Awards bearing No. 112-A, 112-B, 112-C and 112-D were announced on 23.03.1991; and that notice under Sections 9(3) and 10 of the Land Acquisition Act, 1894 had earlier been served on 04.08.1986. The State further pleaded that the share of the petitioners' predecessor Sandhya Dass amounting to Rs. 5,022.28 had been duly deposited with the Land Acquisition Officer by the date of possession, namely 22.03.1991. It was also pleaded that



neither the petitioners nor their predecessor approached the Land Acquisition Officer to collect the compensation.

18. The same para 3 of the reply dated 29.03.2023 further states that possession of the land has remained with the Government of Punjab since 1991; and, after possession, the Kandi Canal was constructed at site in 1993-94. The State has also pleaded that the petitioners themselves are using canal water and are paying user charges/abiana to the Government. On that basis, the specific stand of the respondent State is that status quo regarding possession had not changed, because the land was already in Government possession before the orders of this Court and remained in Government possession thereafter as well.

19. In para 4 of the same reply dated 29.3.2023, the State has pleaded that as per the Award dated 22.03.1991, no superstructure existed on the land in question and therefore there was no question of any separate compensation for the same. The State also referred to the revenue record/Jamabandi for the year 1985-86 and pleaded that the land was shown as Barani and that there was no abadi at the time of acquisition in Khasra No. 973.

20. In para 5 of the same reply, the State has referred to the earlier CWP No. 4754 of 1993 filed by Sandhya Dass, predecessor in interest of the present petitioners; and the decision dated 13.09.2011 in the said CWP No. 4754 of 1993, whereby the only liberty given to the petitioners was that if the



Award with regard to superstructure had not been announced, then the same should be done. The State again repeated its stand that as per Award dated 22.03.1991, no superstructure existed and therefore no further assessment was required.

21. A perusal of the above undisputed facts submitted by learned counsel for the respondent-State shows that no wilful disobedience of the order dated 08.08.2014 has been committed by the respondents.

22. Thus, this Court is very much inclined to impose heavy costs on the petitioners; however, in view of the earnest request of the learned counsel for the petitioners, present Contempt Petition is **dismissed as withdrawn**.

23. Rule stands discharged.

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

18.04.2026
Sunena

(Nidhi Gupta)
Judge

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