



COC-3187-2016 (O&M)

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103 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COC-3187-2016 (O&M)

Date of decision: 06.04.2026

DILBAGH SINGH

....Petitioner

Versus

AMARINDER SINGH TIWANA, SDM

....Respondent

CORAM: HON'BLE MR. JUSTICE **VIKRAM AGGARWAL**

Present: Mr. ADS Jattana, Advocate with
Mr. Mandeep Singh Gill, Advocate
for the petitioner.

Mr. Sarju Puri, Senior Advocate with
Ms. Naseem A. Sheikh, Advocate and
Ms. Anshika Sharma, Advocate for respondent No.1.

Mr. Gurkiran Singh, Advocate and
Ms. Ramita Puri, Advocate
for applicant in CM-10661-CII-2022 and
COC-3187-2016.

VIKRAM AGGARWAL, J (Oral):

The instant contempt petition has been preferred under Section 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as “the Act of 1971”), alleging willful disobedience of the order dated 21.10.2015 (Annexure P-1) passed by a Coordinate Bench in CWP-22823-2015.

2. CWP-22823-2015 was instituted praying for the following substantive reliefs:-

“Civil writ petition under article 226/227 of the
Constitution of India praying for the issuance of a
writ in the nature of mandamus and thereby
directing the official respondents No. 2 and 3 to not



execute the judgement & decree dated 28/02/1987, Annexure P-3, and thereby not to register & change the mutation of land situated in village Thathia Mahanta, Tehsil and District: Tarn Taran, as given in the Jamabandhi, Annexure P-1, on the basis of unregistered judgement & decree dated: 28/02/1987, Annexure P-3, in favour of the respondent No. 4, which would entitle her to collect the compensation so deposited in view of the acquisition of the land for public purpose (expansion of road) as the same was in possession of the petitioner having inherited the same from his father & grandmother, being his share and despite having put the respondents No. 2 and 3 to notice by way of legal notice dated 09/09/2015, Annexure P-6, the petitioner fears that in case the judgement and decree, Annexure P-3, is allowed to be executed and the amount so withdrawn, the petitioner would not be able to get back the money even if the competent court holds in his favour;

AND

For the issuance of a writ, order or direction praying for holding that the judgement and decree dated 28/02/1987, Annexure P-3, has expired as per Article 136 of the Limitation Act, as neither it was registered (as stipulated in the judgment itself) under the Indian Registration Act nor executed within 12 years from the date of decree i.e.



28/02/1987;”

3. The said writ petition was disposed of vide order dated 21.10.2015 with the following directions:-

“In view of the above, without commenting on the merits of the case, this petition is disposed of with a direction to the respondent No.2 to look into the claim contained in legal notice dated 9.9.2015(Annexure P-6) and take a decision on the same in accordance with law expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.”

4. After the institution of the instant contempt petition, the matter has remained pending before this Court for more than ten years.

5. During the pendency of the contempt petition, on 26.05.2017 the following order was passed by a Coordinate Bench:-

“Petitioner alleges violation order dated 21.10.2015 passed by the writ court. It appears that a part of the land situated in village Thathia Mahanta, District Tarn Taran, was acquired for extension of highway. Petitioner claims that he was owner-in-possession of part of the said land. Mother of the petitioner namely Parkash Kaur filed a suit for declaration against grand-mother of the petitioner (Tej Kaur) claiming that she was owner-in-possession of some part of the land. The suit was decreed on 28th February, 1997. A decree was passed in favour of Parkash Kaur. It was, however, directed that same would come into effect



only after it is registered under the Registration Act. As the land was acquired by the State Government, an issue arose who would be entitled to the compensation in lieu thereof. Petitioner, thus, invoked the writ jurisdiction of this court.

While disposing of the writ petition, the court noticed the contention of the petitioner that the decree being 38 years old, could not be executed. It, thus, directed that the representation of the petitioner be decided within three months. Operative part of the order reads as follows:-

“In view of the above, without commenting on the merits of the case, this petition is disposed of with a direction to the respondent No.2 to look into the claim contained in legal notice dated 9.9.2015 (Annexure P-6) and take a decision on the same in accordance with law expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.”

Learned counsel for the petitioner submits that matter was considered by SDM-cum-A.C.Ist Grade, Tarn Taran on 4th February, 2016. he directed that as the civil court was seized of the matter, no further action be taken till the decision of the case. He has produced a copy of the order. Same is taken on record as Mark ‘A’.

On the other hand, State has filed an affidavit on behalf of the respondent in court today. Same is taken on record. It has been submitted therein that respondent had left the charge of SDM, Tarn Taran on 21st October, 2016 and, therefore, he is not in a position to respond.

Learned counsel for the petitioner, however, submits that the respondent himself released the amount of Rs.84 lacs in favour of ParkashKaur despite the order passed by his predecessor on 5th February, 2016. It is further urged



by the counsel that the amount was released in October, 2016.

As conflicting stands have been taken before this court, it is not clear whether the respondent actually released the amount in favour of Parkash Kaur and whether it has been released pursuant to some orders passed by some higher authority. It is necessary that an enquiry be conducted into the matter.

Under the circumstances, Chief Judicial Magistrate, Tarn Taran, is directed to conduct a fact finding enquiry into the matter in light of above observations made in foregoing para. He would be at liberty to give findings on any related issues. Report be submitted within two months.

To come up on 18.08.2017.”

6. In compliance of the said order, a report was submitted by the Chief Judicial Magistrate Tarn Taran, in a fact finding inquiry conducted by the said officer. In the said report, the following findings were recorded:-

“From the statements of the concerned parties recorded during inquiry and from the documents produced by them, perused by the undersigned carefully, it is concluded that the respondent Shri Amarinder Singh Tiwana acted against the matter settled by his own predecessor, against the provisions of section 3-H(4) of National Highways Act, in a hurried manner by adopting casual approach and by ignoring the fact that the matter is subjudice. The respondent issued the cheque to Parkash Kaur, having complete knowledge of the fact that there is a dispute relating to the receipt of compensation between the petitioner and his divorced mother and that the mutation has never been sanctioned in favour of Parkash Kaur. By surpassing all the previous actions taken by his



predecessor relating to the dispute and by ignoring the fact that the matter between the parties to dispute is pending in the Civil Court, the respondent Shri Amarinder Singh Tiwana released the cheque amount to Parkash Kaur and that too, without passing any reasonable order or noting on the file. Even the respondent Shri Amarinder Singh Tiwana did not call the petitioner for raising any kind of objection nor did he prefer to intimate him while issuing the cheque. From all the scores and angles, the role of the respondent Shri Amarinder Singh Tiwana is found to be suspicious.”

7. Since, the stand of the State had never come before the Court, this Court passed the following order on 21.08.2025:-

“Present contempt petition is pending since 2016. Vide order dated 21.10.2015, passed by a coordinate Bench of this Court in CWP-22823-2015 (Dilbagh Singh v. State of Punjab and others), the following directions were issued:

“... In view of the above, without commenting on the merits of the case, this petition is disposed of with a direction to the respondent No.2 to look into the claim contained in legal notice dated 9.9.2015 (Annexure P-6) and take a decision on the same in accordance with law expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.”

It appears that thereafter, on account of release of money by the concerned authority, the matter has



proceeded accordingly. However, the stand of the State has not been brought on record.

Under the circumstances, State of Punjab is directed to file a detailed affidavit as regards compliance of the order dated 21.10.2015 (ibid) and the action taken pursuant thereto, within a period of four weeks.

Adjourned to 16.09.2025.”

8. In compliance of the said order, the Deputy Commissioner Tarn Taran filed an affidavit in this Court in which the following averments were made:-

“That on the receipt of order dated 21.08.2025 passed by this Hon’ble Court, the deponent has complied with the directions passed by this Hon’ble Court and in compliance with which, the deponent has verified the record from the office of Deputy Commissioner, Tarn Taran from where, it came to the knowledge of the deponent that the then Deputy Commissioner, Tarn Taran vide order dated 3/2/2016 has passed a reasoned order in compliance to the directions dated 21-10-2015 passed by this Hon’ble court in CWP 22823 of 2015 and decided the notice dated 09.09.2015 by way of speaking order dated 3-2-2016. That after passing the reasoned order the office of Deputy Commissioner Tarn Taran, sent the concerned file along with the speaking order dated 3/2/2016 to the office of



SDM Tarn Taran. vide letter No/Reader/DM/260 Dated 1/2/2016 and later-on the office of SDM Tarn Taran vide letter No/ Reader/SDM/213-216 Dated 5/2/2016, sent the written intimation of passing of the reasoned order dated 3/2/2016 as per the directions of this Hon'ble court, to the concerned parties namely Parkash Kaur and Dilbagh Singh and the copies of the said letter was also forwarded to the office of Deputy Commissioner Tarn Taran and Tehsildar Tarn Taran. The copy of speaking order dated 3/2/2016 is Annexure R2 and the copy of letter No/Reader/SDM/213-216 Dated 5/2/2016, is Annexure R3.

6. That after going through the record of office of Land Acquisition Collector Tarn Taran, concerning the file relating to notice dated 09.09.2015, it came to the notice of the deponent that the then Land Acquisition Collector Tarn Taran, Amrinder Singh Tiwana, PCS has issued a Cheque No.5672 dated 29.10.2016 amounting to Rs.84,35,166/- as per the disbursement register record of office of Land Acquisition Collector Tarn Taran, to Parkash Kaur wife of Gurbaksh Singh son of Santokh Singh, resident of village Shakri, Tehsil and District Tarn Taran, on the basis of a Judgment and decree dated 28.02.1987 passed by the learned Court of Sh. Kuldeep Singh, PCS, Sub Judge 2nd Class, Tarn Taran. It has further come to the knowledge of the deponent from the official records of the LAC, that Parkash Kaur deposited the said cheque in her account no. 190534001142150



running with co-operative Bank Branch Tarn Taran.

7. That later on vide letter no. 154 dated 05-05-2017 issued from the office of Rajesh Sharma, PCS Land Acquisition Collector cum SDM Tarn Taran, to the Manager of Cooperative Bank Branch Tarn Taran, to freeze the said account of Parkash Kaur and since the receiving of said letter by the concerned bank, the account of Parkash Kaur has been Kept frozen till today and some amount is still lying in her account. The copy of disbursement register in Annexure R4 and the information letter no 589 dated 8/9/2025 of the Co-operative Bank Tarn Taran is Annexure R5. The copy of account statement of Parkash Kaur is Annexure R6.

8. That the then SDM Tarn Taran Amrinder Singh Tiwana, PCS was having knowledge of the said dispute, ongoing litigation and the order of the Deputy Commissioner Tarn Taran.

9. That the deponent after getting knowledge of the above said facts immediately made a reference to the Chief Secretary Punjab to hold an inquiry against Amrinder Singh Tiwana, PCS, the then Land Acquisition Collector cum SDM Tarn Taran on the said matter vide letter No. DRA/939 Dated 09/09/2025 Annexure R7.”

9. A perusal of the said reply shows that in compliance with the order of the writ Court, a speaking order dated 03.02.2016 (Annexure



R-2) already stands passed.

10. It has also been stated in the reply that the Deputy Commissioner Tarn Taran has made a reference to the Chief Secretary, Punjab to hold an inquiry against the officer concerned.

11. Since the directions passed by the writ Court were essentially for passing of a speaking order, deciding the legal notice dated 09.10.2015, and the same was duly decided vide order dated 03.02.2016, no further orders are required to be passed by this Court.

12. As regards the arguments of learned counsel for the petitioner that the amount was erroneously released, the State has already initiated action and this Court expects a fair probe in the matter. This Court does not deem it appropriate to pass any orders regarding the said issue in a contempt petition.

13. This Court is also sanguine that the matter shall be taken to its logical end within a reasonable time. It is, however, clarified that none of the observations in this order would be deemed to be an expression on the merits of the case.

14. The contempt petition is, accordingly disposed of.

15. All pending application(s), if any, shall also stand disposed of

(VIKRAM AGGARWAL)
JUDGE

06.04.2026

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1. Whether speaking/ reasoned :	Yes /No
2. Whether reportable :	Yes /No