

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

COCP No.1160 of 2017

Date of Decision:-09.05.2017

Ram Kumar.

.....Petitioners.

Versus

S.S. Booria & Anr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Lalit Pradhan, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

Petitioner has filed the present contempt petition under Section 11 & 12 of the Contempt of Court Act 1971 for alleged violation of the order dated 03.04.2017 passed by this Court in CRM-M No.11429 of 2017 (P-1) whereby respondents were directed to look into the matter and take a decision on representation dated 27.03.2017 within a period of one week from 03.04.2017.

Learned Counsel for the petitioner has argued that despite specific directions given to the respondents to decide the representation dated 27.03.2017 within a period of one week from 03.04.2017 by this Court, the respondents have not decided the same till today. It is further argued that the petitioner is in possession of the agricultural land and the other co-sharers are not permitting the petitioner to harvest his crop. With the non decision of the representation, the petitioner is suffering huge

financial and mental loss. Thus, the respondents are guilty of contempt. In support of his contentions petitioner has placed reliance upon Division Bench judgment passed by the Jharkhand High Court in **Kamal Nayan Narsaria Vs. State of Jharkhand & Ors. 2002(1) JLJR 508.**

After hearing learned Counsel for the petitioner and perusing the paper book this Court is of the considered view that the present petition deserves to be dismissed.

It is not in dispute that the respondents were directed to look into the matter and decide the representation dated 27.03.2017. In view of the averment that the respondents have not decided the representation, it is apparent that no case was made out for the respondent, who is Superintendent of Police, Bhiwani to intervene. There is no statutory obligation on the respondents under criminal law to pass any speaking order. At the most they are required to look into the matter and in case nothing is found, no intervention by passing a speaking order is required. Furthermore, on a pointed query made by this Court, the Counsel for the petitioner has admitted that a Civil Suit for permanent injunction amongst the co-sharers is pending consideration in which, the petitioner's application for temporary injunction was dismissed by the trial Court Bhiwani on 10.05.2016 and the same has been affirmed by the Additional District Judge, Bhiwani vide order dated 13.07.2016. A Civil Revision No.6971 of 2016 is pending consideration after issuance of notice of motion in which, status quo regarding possession has been ordered to be maintained. Thus, at present there seems to be no concrete evidence that the petitioner is in possession of the property. As far as the judgment relied upon by learned Counsel for the petitioner is concerned, the same is distinguishable on facts

because in the said case a specific direction to pass a speaking order was given. In the present case there is no such direction.

Under these circumstances, no case for contempt is made out as the respondents are not under any statutory obligation to decide the representation by passing a speaking order and further when it is still in dispute as to whether the petitioner is in possession of the agricultural land as alleged by him.

Dismissed.

**(JASWANT SINGH)
JUDGE**

May 09, 2017
Vinay

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i> | <i>Yes/No</i> |