



COCP-129-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COCP-129-2023 (O&M)

Date of Reserve: September 05, 2025

Date of Pronouncement: 26.09.2025

Captain (Now Colonel Retd) R.K. Rastogi

.....Petitioner

Vs.

Jaspreet Kaur and ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Pankaj Kali, Advocate and
Mr. P.K. Rastogi, petitioner in person (Through VC)
for the petitioner.

Mr. Siddhanth Arora, Advocate for
Mr. Ankur Mittal, Advocate & Mr. Shivendra Swaroop, Advocate
for the respondents.

SUDEEPTI SHARMA J.

1. The present contempt petition has been filed for deliberate and intentional disobedience of order dated 31.10.2013 passed by this Court in CWP-9321-2000 titled as *Surinder Kumar and others vs. State of Haryana and others*; order dated 22.01.2014 passed in CWP No. 16830-2018 titled as *Capt P.K. Rastogi vs. State of Haryana and others* and order dated 27.10.2021 passed by Hon'ble the Supreme Court in SLP (Civil) No. 12518-2019.

2. The writ petition filed by the present petitioner i.e CWP No. 16830-2008 was decided in terms of para No. 24 of order dated 22.01.2014 passed in CWP No. 7694-2006 titled as *Urmil Yadav vs. State of Haryana and others*. Urmil Yadav's case (*supra*) was disposed of in terms of order dated 31.10.2013 passed by this Court



in CWP-9321-2000 titled as ***Surinder Kumar and others vs. State of Haryana and others***. The relevant para of the same is reproduced as under:-

(24) For the reasons afore-stated, the writ petitions are allowed in part subject to the following directions and conditions:-

(i) the respondents are directed to release all the structures in existence as on date, irrespective of the class of construction, from acquisition along with proportionate/reasonable open area.

(ii) where the total acquired land is upto two kanal and has been partly constructed, such vacant land/structure shall be released to the extent of constructed portion and equivalent/reasonable open space and/or one kanal area whichever is less. The size of released area shall depend upon the surroundings and possible utility of the acquired land for a bona fide public purpose.

(iii) where the acquired land is more than two kanals, the affected owner shall be entitled to the release of land measuring one kanal or more depending upon the total constructed area. In other words, even if the constructed area is less than one kanal, such owner shall be entitled to the release of at least one kanal land¹³ of 15 including the constructed area. The acquisition qua the remaining vacant land of such owner is, however, upheld though conditionally.

(iv) the respondents are directed to conduct a fresh survey and carry out re-demarcation of the entire acquired land for the compliance of directions No.(i) to (iii) above. The needful shall be done within two months from the date of receipt of a certified copy of this order.

(v) the respondents are further directed to prepare a Development Plan and decide the utility of the acquired land [other than the land covered under direction Nos.(i) to (iv)] for a bona fide public purpose/public utility. The exercise shall be completed within three months from the date of completion of fresh survey/re-demarcation.

(vi) after earmarking the acquired land for one or the other public purpose, the un-utilised land, if any, shall also be released in favour of the owners unless needed for future expansion of the public utilities.

(vii) the public purposes/utilities for which the acquired land is permitted to be utilized shall not be meant to serve and cater to the needs of residents of the licensed colony developed by the Builder, namely, M/s Ansal Builders Pvt.Ltd. only. These facilities shall be provided to the residents/habitants of village Chauma or other nearby villages or urban areas as well.



(viii) the public utilities shall be prioritized with due preference to Government-run hospital(s)/health care centre(s), school(s), roads, drinking water supply and sewerage etc.

(ix) if any additional land is required for the purpose of construction or development of any public utility for the residents of the locality of the private developer, such land shall be made available by the builder, namely, M/s Ansal Builders Pvt.Ltd. only.

(x) the petitioner(s) or other owners whose structures along with open land have been released or ordered to be released shall be required to deposit the statutory charges and get their building plans sanctioned from the 'prescribed authorities' and then only their respective properties shall be regularized. They shall not be permitted to use the released properties for any unauthorized purpose in violation of the zoning of the urban area."

3. Learned counsel for the respondents contends that the State of Haryana as well as land owners preferred appeal against judgment dated 31.10.2013 passed by this Court in CWP-9321-2000 titled as ***Surinder Kumar and others vs. State of Haryana and others*** wherein Hon'ble the Supreme Court, vide its judgment dated 31.01.2018 titled as '***Surinder Kumar and others vs. State of Haryana and others***' passed the following order:-

6. After hearing learned counsel for the parties at length, we are of the opinion that the matters are such, in which certain areas have already been released and it was argued on the basis of photographs that a large number of constructions have already come up in the area. It would be in the fitness of the case, that the competent authority consider the cases sympathetically, after hearing the land-owners and take a decision objectively in terms of the policy with respect to release of the land, within a period of three months from today. Till then, status quo as on today, shall be maintained by the parties. The land owners are at liberty to file their representations within three weeks from today.

7. The directions passed in the impugned order are hereby set aside, The decision is to be taken by the competent authority without being influenced by our setting aside the directions passed by the High Court. aforesaid directions, the impugned order stands modified and the appeals are partly allowed. Pending application, if any, stands disposed of."



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4. A bare perusal of the above shows that the directions passed by Division Bench of this Court in *Surinder Kumar's case (supra)* in para No. 24 are set aside.

5. In view of the above, since the directions in para No. 24 of *Surinder Kumar's case (supra)* are set aside by Hon'ble the Supreme Court vide its judgment dated 31.01.2018 passed in SLP (C) No. 15302/2014 and connected matters titled as '*Surinder Kumar and others vs. State of Haryana and others*' and the present contempt petition is filed for disobedience of same directions, therefore, in such circumstances, when the very directions alleged to have been violated the Contempt of court Act is rendered wholly untenable. Consequently, the present contempt petition is dismissed.

6. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

26.09.2025
Gaurav Arora

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No