2025:PHHC:119451

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP-1017-2025
Date of decision: 03.09.2025

BALJINDER SINGH **..Petitioner**

Versus

SHOWKAT AHMAD PARRAY AND ANOTHER **..Respondents**

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Gulrej Khan, Advocate
for the petitioner.

Mr. Ravneet S. Joshi, DAG, Punjab.

SUDEEPTI SHARMA, J. (Oral)

1. The contempt petition has been filed for deliberate and intentional disobedience of order dated 04.10.2008 passed in CWP-4886-2003.

2. The following directions were issued by this Court vide order dated 04.10.2008:-

> *"(i) the State of Punjab is directed to take a conscious policy decision, in accordance with law for removal and/or regularization of the encroachments, if any, made on the public lands by the government's Educational Institutes, Hospitals, Dispensaries, Police Stations, etc. keeping in view the fact that such institutions are not to be placed at the same pedestal as a private individual encroacher;*
> *(ii) the directions issued by this Court on 10.2.2004 restraining the State Government from regularizing unauthorized encroachments and constructions, provided that such encroachments are other than by the government or public institutions, are made absolute;*

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iii) the civil courts before whom the cases pertaining to encroachments made within the areas of Municipal Corporations, Ludhiana, Bhatinda and Patiala are pending, are directed to expedite the disposal of those cases preferably within two years of their institution;

(iv) the Municipal Corporations are directed that encroachments from all those public properties except falling within the direction No.(i) above and/or wherever the civil court has decided the matter in favour of the private individuals, shall be removed and the lands will be retrieved forthwith but not later than six months from today;

(v) the Municipal Corporations are further directed to constitute and notify the Enforcement and Monitoring Committees for one or more areas which shall periodically report to the Municipal Commissioner regarding the status of the encroachments, if any, their taking place or being removed within the area. Necessary and prompt action shall be taken by the Municipal authorities to nip it in the bud;

(vi) the Municipal Corporations shall forthwith locate the encroachment prone areas and take all necessary safeguards/preventive measures against possible trespass/encroachments, viz., erecting barbed-wire fencing, displaying notice-boards containing statutory warning, etc., and make the Encroachment and Monitoring Committee of the respective area accountable for any lapse or inaction on its part;

(vii) the Municipal Corporations shall also evolve public participation in their anti-encroachment drive by constituting Vigilance Committees of the NGOs/citizens who may volunteer to inform the municipal authorities including the Enforcement and Monitoring Committees regarding any fresh encroachments so that the desired

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action in terms of direction No.(v) above can be taken without any delay;

(viii) if a public spirited person notices that any encroachment is not being removed and/or being allowed to take place in connivance with the employees, authorities or councillors of the Municipal Corporation, he/she shall be at liberty to institute contempt of court proceedings against such person and/or Municipal authorities for their act of willful and deliberate disobedience of the directions issued hereinabove."

3. The pleadings in the present contempt petition shows that the petitioner is personally aggrieved by certain encroachments and disputed questions of fact is involved in the grievance raised by the petitioner in the present contempt petition. Further there is no specific averment regarding the specific area or extent of land where there is illegal encroachment. Further, very vague language to the effect "that the petitioner is affected from the encroachments on the government properties by the various persons of the local area, where he resides" is used. There is nothing in the pleadings of the present petition to show any disobedience by the respondents.

4. In view of the same, the present contempt petition is dismissed.

5. Needless to say that liberty is however granted to the petitioner to avail any other remedy as is available to him in accordance with law.

September 03rd, 2025 **(SUDEEPTI SHARMA)**
Ayub **JUDGE**

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

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