



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

**CACP No. 19 of 2024 (O&M)  
in COCP No. 3034 of 2024  
in CWP No. 20452 of 2022  
Reserved on: 11.12.2024  
Pronounced on: 16.1.2025**

Arun Kumar Gupta and others

.....Appellants

Versus

M/s Karnal Motors Pvt. Ltd.

....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLE MRS. JUSTICE KIRTI SINGH**

**Argued by:** Mr. Ankur Mittal, Addl. A.G., Haryana  
Mr. Pardeep Prakash Chahar, Sr. DAG, Haryana,  
Mr. Saurabh Mago, DAG, Haryana with  
Ms. Kushaldeep Kaur, Advocate  
for the appellants.

Mr. Nitin Verma, Advocate for  
Mr. Pankaj Nanhera, Advocate  
for the respondent.

\*\*\*\*

**SURESHWAR THAKUR, J.**

1. The instant appeal has been directed against the order dated 3.9.2024, as passed by the learned Contempt Bench of this Court in COCP No. 3034 of 2024.

**Brief facts of the case.**

2. A notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') became issued on 24.3.1992, which became published, which became succeeded by a declaration made on 23.3.1993 under Section 6 of the Act of 1894. In pursuance thereto, an award was made on 29.12.2004 (Annexure P-7). The said notifications were made for acquiring the land for public purpose i.e. for the



development and utilization of land as commercial area for Sector-2, Part-II, Kurukshetra.

3. Being aggrieved from the issuance of said notifications, one Chander Pal along with other landowners instituted a writ petition before this Court bearing **CWP No. 3859 of 1995** titled as **Chander Pal and others versus State of Haryana and others**, before this Court. On the said petition, this Court on 15.3.1995, had passed the following order:-

*“Notice of motion for 10.5.1995.  
Dispossession stayed till further orders”*

4. In pursuance to the above notifications, award No. 9 was made on 22.3.1995. Pursuant to the above award, the land in question was acquired, however the possession thereof could not be taken due to the stay order (supra) passed by this Court.

5. Subsequently, the writ petition (supra) was referred to the Lok Adalak, without seeking consent of the State. Vide order dated 12.10.2000 (Annexure P-1), the said writ petition was allowed by the Lok Adalat of this Court. The order (supra) passed by the Lok Adalt of this Court becomes extracted hereinafter.

*“State counsel has produced a letter dated May 10,1999, from the Land Acquisition Collector, which is placed on the record. In this letter recommendations have been made for excluding the land of the petitioners from acquisition. Only decision of the Court is invited, so that recommendations may be implemented. In view of what has been stated above, the writ petition is allowed with directions to the respondents to exclude the land of the petitioners-Chander Pal and others from the acquisition proceedings under the impugned notifications. The writ petition is disposed of accordingly”*

6. Being aggrieved from the order (supra), the State of Haryana filed an objection petition bearing CM No. 7011 of 2001 in CWP No. 3859 of 1995, which became dismissed vide order dated 20.4.2001.



7. Thereafter the petitioners in the writ petition (supra) sold the land in question to the present respondent i.e. M/s Karnal Motors Pvt. Ltd. vide sale deeds dated 9.1.2004 (Annexure P-2). Since, the mutation of the land in question was already sanctioned in favour of HSVP, therefore the respondent herein moved various representation to the authority concerned, seeking rectification in the revenue record in view of the order dated 12.10.2000 (Annexure P-1). When the respondent company came to know about the illegal transfer of the land in the name of HSVP, it filed CWP No. 20452 of 2022 seeking correction of revenue record in view of the order dated 12.10.2000 passed by the Lok Adalat of this Court. Vide order dated 9.9.2022 (Annexure P-3), the said petition was disposed by this Court. The operative part of the order (supra) becomes extracted hereinafter.

*“The writ petition is disposed of with a direction to the respondent No. 3 to decide the pending representation dated 25.5.2022 (Annexure P-10) by passing a speaking order within eight weeks from the date of receipt of certified copy of this order.”*

8. Since the order dated 9.9.2022 remained purportedly uncomplied, thereby the respondent herein preferred COCP No. 678 of 2023, before this Court, with a prayer therein to initiate contempt proceedings against the contemnors concerned, thus on account of the appellants herein purportedly wilfully disobeying the order (supra) passed by this Court. Vide order dated 29.1.2024 (Annexure P-6), passed by the learned Contempt Court concerned, the contempt petition (supra) became dismissed as having been rendered infructuous. The relevant portions of the said order become extracted hereinafter.



“x x x x

3. Counsel for the respondents have submitted that the order dated 9.9.2022 passed in CWP-20452-2022 has been complied with and speaking order dated 19.01.2024 (Annexure R-2) has been passed.

4. Counsel for the petitioner has not even disputed the aforesaid fact.

5. In view of the above, the present petition is rendered infructuous and dismissed, as such.

6. However, the petitioner would be at liberty to avail any other alternate remedy, but in accordance with law, if he feels aggrieved of the order passed by the respondent/concerned authority.”

9. After the dismissal of the said contempt petition, the respondent company preferred the instant contempt petition bearing COCP No. 3034 of 2024 before this Court, with a prayer therein to initiate contempt proceedings against the contemnors concerned, thus on account of the appellants herein purportedly wilfully disobeying the order dated 9.9.2022 passed by this Court in CWP No. 20452 of 2022, despite the fact that a speaking order dated 19.1.2024 (Annexure P-5) had already been passed in compliance of the order dated 9.9.2022.

10. The learned Contempt Court concerned, vide order dated 3.9.2024, passed the hereinafter order upon the COCP (supra).

“x x x x

(6) By way of present contempt petition, learned counsel for the petitioner points out that though in compliance of order dated 09.09.2022 passed by this Court in CWP No.20452 of 2022, speaking order dated 19.01.2024 stood passed by respondent No.2, thereby rendering the previous COCP No.678 of 2023 as infructuous, however, the passing of the order dated 19.01.2024 apparently goes against the undertaking/consent extended before the Permanent Lok Adalat of this Court at the time of decision in CWP No.3859 of 1995. The respondents have, thus, made themselves liable for the breach of undertaking extended on 12.10.2000 having interfered in the course of administration of justice as well.

(7) Notice of motion.



*(8). On asking of the Court, Mr. Pawan Kumar Longia, D.A.G., Haryana, accepts notice on behalf of the respondents and prays for some time to have instructions.*

*(9). List on 23.09.2024. ”*

11. The order (supra), passed by the learned Single Judge (Contempt Court) has caused pain to the appellants herein and has led them to file thereagainst the instant appeal before this Court.

12. Resultantly, there was no vestment in the present respondent to claim any right in term of supra order, unless the speaking decision made on the representation (supra), thus was successfully challenged. Since the speaking decision made on the representation (supra), rather has remained unchallenged, thereby no right became vested in the present respondent to canvass the remedy of contempt.

***Submissions of the learned counsels for the appellants***

13. The learned counsels for the appellants have argued before this Court that the impugned order is proclived towards imposing punishment upon the contemnors, and, that too, without asking from the appellants rather a well reasoned explanation qua thereby compliance theretos thus wanting. Therefore, it is further argued, that since the appellants did have the supra permissible valid defence rather for accounting for the delay, if any, in the making of compliance to the order (supra). However, since the supra valid explanation has not been well considered. Consequently, it is argued that in a most slipshod and arbitrary manner, the learned Contempt Court, has proceeded to make the order (supra), which as stated supra, is proclived towards imposing punishment, upon the present appellants, besides thereby it intends to, without making the requisite discernments from the records, rather



create a right in the respondent to seek enforcement of the order (supra), despite the same not being complyable at all. Resultantly, it is argued, that as such, the instant appeal is maintainable before this Court, and, that the impugned order dated 3.9.2024, as passed by the learned Single Judge, be quashed and set aside.

14. In nutshell, the learned counsels for the appellants have argued, that therebys the instant case is covered within the domain of principle No. IV of the verdict made by Hon'ble Apex Court, in case titled as "**Midnapore Peoples' Coop. Bank Ltd. And others V. Chunilal Nanda and others**" reported in **(2006) 5 SCC 399**. The said principle is extracted hereinafter.

*IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of 'jurisdiction to punish for contempt' and therefore, not appealable under section 19 of CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under section 19 of the Act, can also encompass the incidental or inextricably connected directions.*

15. In addition, the learned counsels for the appellants have argued, that the instant case is not covered within the domain of principle No. V of the judgment (supra), as at the outset, the learned Contempt Court, did not decide any issue, nor made any direction relating to the merits of the dispute, wherebys alone the said decision was open to a challenge in an intra-court appeal, than in an appeal filed within the domain of principle No. IV.

16. The reason which the learned counsel for the appellants,



thus assigns for making the above submission, is grooved in the factum that, since the pleadings were not complete at the stage of making of the order (supra). Therefore, only when the pleadings are complete, whereafters upon making well informed discernments of the pleadings, thus when subsequently a well informed decision or direction becomes passed, rather covering the merits of the dispute emerging amongst the parties, thereupon alone the impugned directions may have been covered within the ambit of principle No. V, as enclosed in **Midnapore Peoples' Coop. Bank Ltd.**'s case (supra). Consequently, the learned counsels submit, that the instant case is not covered within the ambit of principle No. V, as enclosed in the judgment (supra) rendered by the Apex Court, rather the instant case is covered within the ambit of principle No. IV of the judgment (supra).

**Submissions of the learned counsel for the respondent**

17. On the other hand, the learned counsel appearing for the respondent has most vehemently contended, that the instant contempt appeal is not maintainable before this Court. In making the said submission, he refers to the provisions as embodied in Section 19 of the Contempt of Courts Act, 1971, (hereinafter referred to as 'the Act of 1971') provisions whereof becomes extracted hereinafter, wherein, it becomes mandated, that an appeal against an order passed by the Contempt Bench concerned, is maintainable, but yet only against such an order or a decision, as becomes made by the Contempt Bench concerned, whereby punishment for contempt becomes recorded.

***“19. Appeals.—(1) An appeal shall lie as of right from any order or decision of the High Court in the exercise of its***



*jurisdiction “to punish for contempt”—*

*(a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court;*

*(b) where the order or decision is that of a Bench, to the Supreme Court:*

*Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court.*

*(2) Pending any appeal, the appellate Court may order that—*

*(a) the execution of the punishment or order appealed against be suspended;*

*(b) if the appellant is in confinement, he be released on bail; and*

*(c) the appeal be heard notwithstanding that the appellant has not purged his contempt.*

*(3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2).*

*(4) An appeal under sub-section (1) shall be filed—*

*(a) in the case of an appeal to a Bench of the High Court, within thirty days;*

*(b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.”*

18. Furthermore, he also argues that since a reading of the impugned order, displays that no such order, thus becomes passed by the learned Contempt Court concerned, whereby but punishment has been imposed upon the contemnors. Resultantly, he argues that the instant appeal is not maintainable before this Court.

19. Furthermore, he argues that the supra order is only challengeable through a motion cast under Article 136 of the Constitution of India, becoming made before the Apex Court, than through the filing of the instant appeal before this Court.

20. In addition, he also submits that in the proceedings for



contempt, the High Court is required to be deciding whether any contempt of Court is committed and, if so, what should be the punishment and the matter incidental thereto. He further submits, that the clear mandamus (supra) as embodied in the order rendered by this Court on 9.9.2022, did evidently become intentionally disobeyed. Therefore, he argues that through the making of the impugned operative part (supra), the learned Contempt Bench concerned, thus has remained within the frontiers of the jurisdiction conferred upon it, thereby there is no justification for any interference therewith being made, by this Court.

#### **Inferences of this Court**

21. Before proceeding to determine the validity of the making of the impugned order, it is necessary to initially extract the apposite regulatory guidelines, as become underlined in the judgment rendered by the Apex Court in case titled as ***State of J and K versus Mohd. Yaqoob Khan and others*** reported in ***(1992) 4 Supreme Court Cases 167*** has held as under:-

6. *We do not agree. The scope of a contempt proceeding is very different from that of the pending main case yet to be heard and disposed of (in future). Besides, the respondents in a pending case are at a disadvantage if they are called upon to meet the merits of the claim in a contempt proceeding at the risk of being punished. It is, therefore, not right to suggest that it should be assumed that the initial order of stay got confirmed by the subsequent orders passed in the contempt matter.*

7. *We, therefore, hold that the High Court should have first taken up the stay matter without any threat to the respondents in the writ case of being punished for contempt. Only after disposing it of, the other case should have been taken up. It is*



*further significant to note that the respondents before the High Court were raising a serious objection disputing the claim of the writ petitioner. Therefore, an order in the nature of mandatory direction could not have been justified unless the court was in a position to consider the objections and record a finding, prima facie in nature, in favour of the writ petitioner. Besides challenging the claim on merits, the respondent was entitled to raise a plea of non-maintainability of a writ application filed for the purpose of executing a decree. It appears that at an earlier stage the decree in question was actually put in execution when the parties are said to have entered into a compromise. According to the case of the State the entire liability under the decree (read with the compromise) has already been discharged. The dispute, therefore, will be covered by Section 47 of the Civil Procedure Code. It will be a serious question to consider whether in these circumstances the writ petitioner was entitled to maintain his application under Article 226 of the Constitution at all. We do not want to decide any of these controversies between the parties at this stage except holding that the orders passed in the contempt proceeding were not justified, being premature, and must, therefore, be entirely ignored. The High Court should first take up the stay matter in the writ case, and dispose it of by an appropriate order. Only thereafter it shall proceed to consider whether the State and its authorities could be accused of being guilty of having committed contempt of court.”*

22. The further entwined therewith issue, which is required to be also decided is whether the Contempt Court, can substitute itself into an Executing Court, and, that too when an appeal against the relevant order/direction is subjudice. In the above regard, the Apex Court in case titled as ***R.N.Dey versus Bhagyabati Pramanik and others*** reported in ***(2000) 4 Supreme Court Cases 400***, has held as under:-

*“7. We may reiterate that weapon of contempt is not to be used in abundance or misused. Normally, it cannot be used for*



*execution of the decree or implementation of an order for which alternative remedy in law is provided for. Discretion given to the Court is to be exercised for maintenance of Court's dignity and majesty of law. Further, an aggrieved party has no right to insist that Court should exercise such jurisdiction as contempt is between a contemnor and the Court. It is true that in the present case, the High Court has kept the matter pending and has ordered that it should be heard along with the First Appeal. But, at the same time, it is to be noticed that under the coercion of contempt proceeding, appellants cannot be directed to pay the compensation amount which they are disputing by asserting that claimants were not the owners of the property in question and that decree was obtained by suppressing the material fact and by fraud. Even presuming that claimants are entitled to recover the amount of compensation as awarded by the trial Court as no stay order is granted by the High Court, at the most they are entitled to recover the same by executing the said award wherein the State can or may contend that the award is nullity. In such a situation, as there was no wilful or deliberate disobedience of the order, the initiation of contempt proceedings was wholly unjustified.”*

23. The further entwined therewith issue, which is required to become also adjudicated, is that, whether the Contempt Court can grant substantive relief. In the above regard, the relevant guidelines become embodied in the judgment rendered by the Apex Court in case titled as ***Sudhir Vasudeva, Chairman and Managing Director, Oil and natural Gas Corporate Limited and others versus M. George Ravishekaran and others*** reported in ***(2014) 3 Supreme Court Cases 373***. The relevant paragraph of the judgment (supra) becomes extracted hereinafter

*“19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt*



*of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or willful violation of the same. Decided issues cannot be reopened; nor the plea of equities can be considered. Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trespassed upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the bar, namely, Jhareswar Prasad Paul and Another v. Tarak Nath Ganguly and Others, (2002) 5 SCC 352, V.M.Manohar Prasad v. N. Ratnam Raju and Another, (2004) 13 SCC 610, Bihar Finance Service House Construction Cooperative Society Ltd. v Gautam Goswami and others (2008) 3 SCC 339 and Union of India and Others v. Subedar Devassy PV (2006) 1 SCC 613.”*

24. Therefore, the maintainability of the instant appeal against the order (supra) made by the learned Contempt Bench, but is required to be both delved into, besides is required to be adjudicated upon.



25. Be that as it may, this Court is also required to impart a signification to the statutory coinage “jurisdiction to punish for contempt” as occurs in sub-Section (1) of Section 19 of the Act of 1971. Though, the meaning imparted thereto, by the learned counsel for the respondent, is that, unless an order for imposition of punishment is made upon the present appellants, therebys alone the instant appeal directed against the impugned order, rather is maintainable, whereas, the impugned order rather not imposing punishment upon the present appellants, therebys the appeal filed thereagainst is not maintainable.

26. However, the said argument is required to be rejected, inter alia on the following grounds:-

(a) The meaning to be imparted to the statutory coinage (supra) is not, that the contemnor has to await the pronouncement of punishment upon him. Contrarily the meaning to be imparted to the statutory coinage (supra), is that, any order or decision recorded by the learned Single Bench of this Court, while exercising contempt jurisdiction, rather manifesting any proclivities towards ultimately punishing the alleged contemnor for contempt. Resultantly therebys the apposite maneuverings (supra), as are also clearly discernible from the making of the apposite order, thus makings the apposite appeal to be maintainable before the Appellate Court.

(b) The coinage “to punish for contempt” which exists subsequent to the coinage “any order or decision of the High Court” is an expression, whose effective impact cannot be restricted to the era of ultimate awardings of punishment, as therebys any vitiated order passed



during the pendency of the contempt proceedings, despite existence of valid extenuating explications (supra), thus well forbidding the learned Single Benches, from initiating contempt action, besides when for tangible reasons, rather apposite extensions of time are accordable, thus for making compliance(s) with the order alleged to be purportedly disobeyed, but may yet become also ill-countenanced. Resultantly therebys if yet this Court also overlooks the beneficent mitigating effects of all the possible, thus permissible extenuating pleas, thereupons the said raised possible extenuating pleas, as become earlier arbitrarily rejected by the learned Single Bench of this Court, but would also similarly become arbitrarily rejected even by this Court.

27. Resultantly therebys the learned Single Bench of this Court appears to rather than, as expostulated in verdicts (supra), that contempt jurisdiction is to be sparingly exercised or becoming potentialized only for upholding the majesty, and, dignity of the obeyable directions or the orders passed by the Courts of law, thus through initiating contempt action against the persons concerned, but contrarily rather has whimsically and arbitrarily miskewed the contempt jurisdiction.

28. Ultimately, the preponderant reason, for this Court concluding that the above submission addressed before this Court by the learned counsel for the respondent, as appertains to the maintainability of the present appeal, is required to be rejected, whereas, in this Court declaring that the instant appeal becomes maintainable, thus becomes hinged upon the hereinafter principles, relating to the maintainability of appeals by the Appellate Court concerned, principles whereof, become



engrafted in paragraph No.11 of the verdict made by Hon'ble Apex Court, in case titled as "**Midnapore Peoples' Coop. Bank Ltd. And others V. Chunilal Nanda and others**" reported in **(2006) 5 SCC 399**, paragraph whereof becomes extracted hereinafter.

*"11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarized thus :*

*I. An appeal under section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.*

*II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.*

*III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.*

*IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of 'jurisdiction to punish for contempt' and therefore, not appealable under section 19 of CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under section 19 of the Act, can also encompass the incidental or inextricably connected directions.*

*V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute*



*between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases).*

*The first point is answered accordingly.”*

29. Exceptions to the arguments raised (supra) by the learned counsel for the respondent against the maintainability of the present appeal, thus become well grooved in principle No. IV, wherein, it is expounded that any direction or decision which is incidental to or is inextricably connected with the order punishing for contempt, thereby, the said does make the contempt appeal maintainable. Conspicuously also when for all the reasons (supra), the learned Contempt Bench concerned, through the making of the impugned order, has evidently proclived towards punishing the contemnors for contempt, whereby also the instant appeal is maintainable.

30. Therefore, conspicuously unless the speaking rejection order (supra) became successfully challenged in a writ petition becoming filed by the present respondent, thereupon alone a right became vested in the present respondent, to claim that such passed binding and conclusive mandamus, but was intentionally disobeyed. However, when the said speaking rejection order has not been successfully challenged, thereby there was no vestment of any right in the present respondent to claim, that there was any willful disobedience of the order passed by this Court, nor thereby any jurisdiction became vested in the learned Contempt Bench concerned, to pass the impugned



order.

31. Lastly, the principles of law which are required to hereafter become considered to be applied by the learned Contempt Court, are the ones which are stated in the instant case and also are the ones, as become underlined in the verdict rendered by this Court in ***CACP No. 20 of 2024***, titled as ***T.V.S.N. Prasad and others versus Resham Singh***.

32. Furthermore, for the reasons to be assigned hereinafter, the impugned order passed by the learned Contempt Bench concerned, is an ill informed order, initially on the ground, that even if the order dated 19.1.2024 (Annexure P-5), as became rendered by the competent authority concerned, whereby the apposite representation became dismissed, yet when the dismissal of the representation occurring through the making of the supra order (Annexure P-5), rendition whereof is obviously in terms of the order passed by this Court on 9.9.2022. Resultantly therebys, the said rejection order was required to be successfully challenged in a writ petition becoming reared thereagainst, at the instance of the aggrieved revisionist. Moreover, only on the said successful challenge, thus acquiring the firmest conclusivity, and, effectivity, besides with the said decision yet remaining purportedly willfully disobeyed, thereupon alone a contempt petition was maintainable before the learned Contempt Bench.

33. Since the rejection order (supra) remains unsuccessfully challenged, therebys it acquires a binding and conclusive effect. In sequel, the supra rejection order makes mergers therein to the award (supra) made by the Lok Adalat. Though thereins there is a reference to



a letter dated 10.5.1999 received from the Land Acquisition Collector, whereby there were recommendations for excluding the subject lands from acquisition. If so, the said letter was not to be construed, as has been instantly done by the learned Contempt Bench, to be tantamounting to an undertaking or a statement, especially when the said recommendations did require an approval thereto becoming accorded by the competent authority concerned. Since evidently no approval has been stated by the learned State counsel, to be accorded thereto, thereby it did not acquire any binding and complyable effect, nor thereby any action for contempt was rearable either for the same remaining unactioned at the instance of the appellants, nor the supra extracted award of the Lok Adalat concerned, did yield any drawable actionable contumacy qua the present appellants.

34. However, as stated (supra), since the writ petition bearing CWP No. 20452 of 2022 resulted in an order for consideration of the representation being made by the competent authority concerned, and, which resulted in rejection order (Annexure P-5) becoming passed, thereby reiteratedly, the said was to be successfully challenged, which however, has not been done. Resultantly, conclusivity is acquired by Annexure P-5, than by the award of the Lok Adalat concerned, nor thereby the award of the Lok Adalat, as untenably done, required any compliance.

35. Even otherwise, since the respondent herein deemed it fit and appropriate to subsequent, to the passing of the award of the Lok Adalat ventilate the said grievance, through its instituting a writ petition



(supra), which ultimately resulted in a rejection order (Annexure P-5) becoming passed on the apposite representation, therebys also, the present respondent acquiesces, that no actionable contempt emanated from the supra made award by the Lok Adalt.

36. Even though, post the making of the supra extracted award by the Lok Adalat, the land losers concerned, thus alienated the subject lands to the present respondent, but when the subsequent alienee, who is the present respondent, had filed CWP No. 20452-2022, whereons an order for consideration was passed, besides when pursuant thereto a conclusive and effective rejection order became passed, thus on the apposite representation, therebys also the award of the Lok Adalat becomes eclipsed or becomes merged into the said binding and conclusive rejection order, which however remains unsuccessfully challenged.

37. Be that as it may, since in judgment rendered by the Apex Court in case titled as ***Brajnandan Sinha versus Jyoti Narain AIR 1956 SC 66***, it has been expostulated that the Lok Adalat, does not hold the trappings of a Court, wherebys the awards' made by the Lok Adalats, if become infringed, do not generate in the aggrieved any cause of action to raise any actionable claim for contempt thereof. Resultantly therebys no actionable contempt arose from the award of the Lok Adalat. The relevant paragraphs of the judgment (supra) become extracted hereinafter.

“x x x x

*It is clear, therefore, that in order to constitute a Court in the strict sense of the term, an essential condition is that the Court should have, apart from having some of the trappings*



*of a judicial tribunal, power to give a decision or a definitive judgment which has finality and authoritativeness which are the essential tests of a judicial pronouncement.*

*X x x x*

*The pronouncement of a definitive judgment is thus considered the essential sine qua non of a Court and unless and until a binding and authoritative judgment can be pronounced by a person or body of persons it cannot be predicated that he or they constitute a Court.*

*X x x x*

*The Act, however, does contemplate a 'Court of Justice' which as defined in Section 20, Indian Penal Code, 1860, denotes 'a judge who is empowered by law to act judicially'. The least that is required of a Court is the capacity to deliver a "definitive judgment."*

38. Resultantly, the making of the impugned order based upon the supra extracted award of the Lok Adalat, which is not a Court, but makes the impugned order to suffer from a gross illegality and perversity.

39. Despite repeated insistences being made upon the learned Contempt Bench of this Court to comply with the supra principles, yet the learned Contempt Bench of this Court has repeatedly failed to do so. Therefore, the learned Contempt Bench of this Court is directed to ensure that hereafter strict compliances become made to the supra principles, rather than in a slipshod and arbitrary manner, thus orders alike the ones which are impugned before this Court, thus becoming passed.

40. Conspicuously also when the present appeal is but a continuation of the apposite contempt petition, therefore, this Court alone held the competent jurisdiction to decide both the contempt petition as well as the appeal as has arisen therefrom.

41. Last but not the least in terms of the provisions of Section



23 of the Contempt of Courts Act, 1971, provisions whereof become extracted hereinafter, whereby the procedures for regulating the exercise of contempt jurisdiction becomes permitted to be created by the High Court, thus this High Court has formulated the relevant procedural rules which become nomenclatured as the Contempt of Court (Punjab and Haryana) Rules, 1974 (for short '*the Rules of 1974*').

***“23. Power of Supreme Court and High Courts to make rules.—***

*The Supreme Court or, as the case may be, any High Court, may make rules, not inconsistent with the provisions of this Act, providing for any matter relating to its procedure.”*

42. The relevant provisions which are of striking importance in the instant case become embodied in Rules 9, 10 and 11 of the Rules of 1974, rules whereof become extracted hereinafter.

*“9. In the case of a civil contempt other than a contempt referred to in section 14, the High Court may take action*

*(a) on its own motion; or*

*(b) on a petition presented by the party aggrieved; or*

*(c) in the case of any civil contempt of a subordinate court, on reference made to it by that Court.*

*10. (1) In the case of civil contempt, other than a contempt referred to in section 14, the person charged may file his affidavit by way of reply to the charge and shall serve a copy thereof on the petitioner on his counsel at least seven days before the date of hearing.*

*(2) No further return, affidavit or document shall be filed except with the leave of the High Court.*

*11. In the case of a civil contempt, the High Court may determine the matter of charge either on affidavits filed or on such further evidence as may be taken by itself or recorded by a subordinate court in pursuance of a direction made by it, and pass such order as the justice of the case requires, having regard to the provisions of sections 12 and 13 of the Act.”*



43. Importantly it is stated in Rule 10 of the Rules of 1974 that when proceedings qua commission of any purported civil contempt, other than a contempt referred to in Section 14, thus become launched, therebys the person charged is required to file an affidavit by way of reply to the charge.

44. As such, the underpinnings which generate therefroms are that the successful trial of the formulated charge appertaining to the commission of any alleged civil contempt, thus is to be made, only after satisfaction becoming drawn by the learned Contempt Bench, that the person so charged but makes a feeble and weak plea in his reply on affidavit, rather for justifying the purported contumacy, as become allegedly committed by him. Resultantly therebys, since at the very threshold the learned Contempt Bench, even without framing a charge appertaining to the alleged commission of civil contempt, and, also subsequently without proceeding to consider the justifiable extenuating cause, as would become echoed in the reply on affidavit, wherebys the contemnor may be amenable for being discharged, rather reiteratedly has proceeded to conclude that civil contempt has been committed. Resultantly, in terms of the supra rules formulated by the High Court, the learned Contempt Bench of this Court but has, at the very threshold rather derogated from the supra stated established procedure, thus in its recording a finding, that the present appellants indulged in contumacious conduct.

**Final order**

45. Hence, there is merit in the instant appeal and the same is



allowed, and the impugned order dated 03.9.2024, as becomes drawn by learned Single Bench is quashed, and, set aside, and, the present appellants are discharged accordingly.

46. The miscellaneous application(s), if any, is/are also disposed of.

47. A copy of this order be forthwith sent to the learned Contempt Bench concerned, for subsequently complete adherence being made to the above expostulated principles of law, and, it is expected that hereafter the supra norms of propriety and judicial decorum remain uneroded.

**(SURESHWAR THAKUR)**  
**JUDGE**

**(KIRTI SINGH)**  
**JUDGE**

**January 16<sup>th</sup>, 2025**  
Gurpreet

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