

COCP No. 1047 of 2015

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No. 1047 of 2015

Date of Decision: November 17, 2016

Gurinder Singh

...Petitioner

Versus

Chander Parkash & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Rajesh Kumar Sheoran, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral):

In this contempt petition, disobedience of the order dated 24.02.1983 passed in CWP No.3033 of 1975 and the order dated 20.07.2010 passed in CWP No.1815 of 1990 is alleged.

As far as the claim of the petitioner with reference to the order dated 20.07.2010 is concerned, he had earlier preferred a contempt petition i.e. COCP No.2876 of 2011, titled as 'Gurinder Singh Sandhu Vs. Raj Kumar, IAS & others', which was decided by this Court on 17.02.2014. The said order reads as follows:-

“Learned counsel for the petitioner is unable to show his grievance. He alleges violation of the orders of this Court dated 20.07.2010, which contemplates only two issues:-

(i) Re-fixation of the price of the land of the petitioner.

(ii) Till the time re-fixation is done the petitioner would not be dispossessed.

It is not in dispute that the re-fixation has since been done. The petitioner alleges that he has been dispossessed subsequent to the orders of this Court. Not a single averment has been made in the instant petition filed by the petitioner which would indicate this fact and the extent of dispossession of the petitioner.

The petition being frivolous and full of material deficiencies is, therefore, dismissed.”

As regards the order dated 24.02.1983 passed in CWP No.3033 of 1975 is concerned, petitioner has, admittedly, filed CWP No.9577 of 2014, titled as 'Gurinder Singh & others Vs. State of Haryana & others', copy whereof has been appended as Annexure P-13. The prayers made in the said writ petition read as follows:-

(i) XXX XXX XXXX

(ii) to issue a writ in the nature of mandamus issuing directions to the respondents to transfer the land in favour of the petitioners in compliance of the order dated 18.03.2013 (Annexure P-11), passed in compliance of directions of this Hon'ble Court in in CWP No.3033 of 1975 decided on 24.02.1983 (Annexure P-4) and thereafter CWP No.1815 of 1990 decided on 20.07.2010 (Annexure P-10).

(iii) to issue a writ in the nature of mandamus for direction to the respondents to allot land worth Rs.15,000/- @ Rs.1220/- per Bigha free from all encumbrances, lien and charges from the land comprising in plot No.25 and 26, Patti Mehar, Ambala, originally under lease with the predecessor-in-interest of the

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petitioners or any other land in Patti Mehar, Ambala.”

In the light of the above, since the petitioner has availed of his remedy, the present contempt petition would not survive. The same, therefore, stands dismissed.

Rule issued to the respondents stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 17, 2016

Harish

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No