

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 238 of 2016 (O&M)
Date of decision: 12.5.2016

Harbhajan Kaur @ Bhajan Kaur

.. Petitioner

v.

Sh. A. K. Sinha and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Parminder Singh Rai, Advocate for
Mr. Naresh Kaushal, Advocate for the petitioner.

Mr. Sarvesh Malik, Advocate for respondent No. 2.

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Rajesh Bindal J.

Harassed by in-action on the part of the respondents and with a grievance that the order passed by this court way back on 31.3.2014 has not been complied with despite three rounds of litigation, a senior citizen is before this court.

The petitioner in the present case initially filed CWP No. 2254 of 2012 with a grievance that though 4 kanals and 4 marlas of land owned by her was acquired, but she had not been allotted a plot under the oustees policy. The writ petition was disposed of on 9.11.2012 directing Chief Administrator, GMADA to verify the genuineness of the Ousteas Certificate issued in favour of deceased husband of the petitioner before 30.11.2012 and pass appropriate order determining her claim for allotment of 100 square yards plot before 7.12.2012. When the order was not complied with, the petitioner preferred COCP No. 2246 of 2014. The same was disposed of on 8.1.2015 noticing the decision taken on 2.1.2015 to allot 100 square yards plot to the petitioner for which letter of intent had been issued on

6.1.2015. While disposing of the contempt petition, this court observed that formal letter of allotment shall be issued in due course and physical possession of the plot shall be delivered without any delay. When the needful was not done, the petitioner preferred the present contempt petition.

During the pendency of the present contempt petition, letter of allotment was issued to the petitioner on 17.3.2016. This fact is not disputed by learned counsel for the petitioner, however, he submitted that possession of the plot has still not been given. To this, the stand of respondent No. 2 is that in case the allottee fails to take possession of the plot within 60 days from the date of allotment, it shall be presumed that he had taken over the possession. It is a deeming clause added in the letter of allotment for different purpose. However, learned counsel for respondent No. 2 submitted that actual physical possession of the plot in question shall be delivered to the petitioner on 20.5.2016. For the purpose, the petitioner or her authorised representative may visit the office of Estate Officer, Greater Mohali Area Development Authority, Mohali. For delay in compliance, unconditional apology has been tendered.

Heard learned counsel for the parties and perused the paper book.

There cannot be two opinions on the issue that there is substantial delay in compliance of the directions of this court, rather, the petitioner had to file contempt petitions twice. It was only thereafter that the order was complied with. However, still considering the fact that the order has now been complied with and unconditional apology has been tendered, this court finds that for accepting the apology in the case in hand, there should be some condition attached, which may not be termed to be a penalty as such, as it is for common good, for benefit of the society at large. In my opinion, a direction is required to be issued to the respondents to plant 2,500 trees in parks or green spaces in the city at Mohali during coming rainy season. The species of trees to be planted be decided by the respondents. Affidavit to this effect shall be filed in the Registry within four weeks. It shall be the duty of the respondents to ensure that they shall take care of the plants till such time these are stable. Compliance to the aforesaid direction

shall be the moral responsibility of the respondents. In case of failure, they shall be cheating themselves.

The petition stands disposed of with the aforesaid direction.

(Rajesh Bindal)
Judge

12.5.2016
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