



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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COCP-1499-2025 (O&M)

Date of Decision : 30.04.2025

VIJAY LAKSHMI

... Petitioner

VERSUS

KOMAL MITTAL AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pushpinder Kaushal, Advocate for the petitioner.

Mr. Pawan Kumar, DAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present contempt petition has been filed under Section 12 of the Contempt of Courts Act, 1971 for violation of the order dated 04.10.2008 passed by the Hon'ble Division Bench of this Court in CWP-4886-2003 wherein, *inter alia*, the following direction was given :

'(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 wilful and deliberate disobedience of the directions issued hereinabove'.

2. As per the contents of the contempt petition, the petitioner is owner in possession of residential House No.982, Saraswati Vihar, Sector-16, Near Kidzee School, Derabassi, District SAS Nagar, Mohali. The adjoining house, bearing No.893 Saraswati Vihar, Derabassi, District SAS Nagar, Mohali, is owned by Supinder Kaur wife of Jujhar Singh and Jujhar Singh son of Kuldeep Singh. It is alleged in the petition that both Supinder Kaur and Jujhar Singh have raised illegal and unlawful construction/encroachment in the front portion of their house which is beyond the sanctioned site plan. It has further been stated that respondents No.3 and 4 herein served notice bearing No.1688 dated 28.06.2021 and notice bearing No.1800 dated 07.07.2021 as well as notice bearing No.2073 upon Supinder Kaur and Jujhar Singh to remove the illegal construction/encroachment. However, the said construction/encroachment has not been removed. It has further been alleged that the petitioner has given an application to the Chief Vigilance Officer on 09.12.2021 as well as to the Office of Director, Local Government on 21.12.2022 but no action has been taken on the said complaints. Thereafter, the petitioner served legal notice dated 17.08.2023 (Annexure P-2) upon the official respondents. Since no action was taken on the said legal notice (Annexure P-2), the petitioner filed CWP-22410-2023 titled as 'Vijay Lakshmi V/s State of Punjab & Ors.' before this Court which was disposed off vide order dated 06.10.2023 with a direction to the Executive Officer, Municipal Council, Derabassi to decide the legal notice dated 17.08.2023 (Annexure P-2) within a period of four weeks.

3. In compliance of the order dated 06.10.2023 passed by this Court, reply dated 02.11.2023 (Annexure P-3) to the legal notice was sent by the Executive Officer, Municipal Council, Derabassi. In the reply it has been stated that action had already been taken against Jujhar Singh on the complaint(s) filed by the petitioner. Moreover, it has been stated that both the petitioner and Jujhar Singh had filed civil suits against each other regarding construction of their houses which are still pending in the Court at Derabassi. It has further been stated in the reply that Jujhar Singh had also filed a suit being Civil Suit No.1077/2023 for permanent injunction against the Municipal Council, Derabassi and there is a stay which is operating against Municipal Council, Derabassi.

4. The petitioner yet again approached this Court by filing another CWP bearing CWP-11576-2024 which was dismissed as withdrawn vide order dated 17.05.2024 with liberty to the petitioner to avail her remedies as available in law. Thereafter another legal notice dated 26.11.2024 (Annexure P-6) is alleged to have been sent to the official respondents. Since no action has been taken on the said legal notice (Annexure P-6), the present contempt petition has been filed now.

5. Learned counsel for the petitioner would contend that despite the complaints made by the petitioner, no action has been taken by the Municipal Council, Derabassi which is in complete violation of the order dated 04.10.2008 passed by the Hon'ble Division Bench of this Court in CWP-4886-2003 titled as 'Court on its own motion V/s State of Punjab & Anr.'. It is further the contention that there is construction which has been

made by Jujhar Singh, neighbour of the petitioner (who has not been made party herein). Learned counsel has referred to the application being CM-7942-CII-2025 along with which photographs showing the alleged illegal construction have been appended as Annexure P-12.

6. Heard.

7. In the present case Jujhar Singh has filed a civil suit being CS-1077-2023 against the Municipal Council, Derabassi in which a restraint order has been passed by the Civil Court on 27.10.2023. The factum of the civil suits finds mention in the reply (Annexure P-3) to the legal notice (Annexure P-2) given by the Municipal Council, Derabassi. During the course of hearing, on the asking of the Court, learned counsel for the petitioner has handed over a copy of the order dated 27.10.2023 passed in Civil Suit being CS-1077-2023. The said civil suit is still pending and there is a stay operating against the Municipal Council, Derabassi from taking any further action. Further still, the photographs (Annexure P-12) appended with the application being CM-7942-CII-2025 reveal that there is a ramp outside the house of the petitioner herself which appears to be more prominent and higher than that of Jujhar Singh's house. Further, the photograph appended at page No.10 of the application being CM-7942-CII-2025 reveals that there is an extension of the terrace of the first floor and the same extension has also been made by the owner of the house adjoining Jujhar Singh's house qua which no complaint has been made by the petitioner. This appears to be more of a private dispute between the parties. In any case, since a stay has

been granted by the Civil Court in Civil Suit being CS-1077-2023, no question of contempt is made out.

8. In view of the above, I find no merit in the present contempt petition and the same is accordingly dismissed being devoid of any merits. Pending applications, if any, also stand disposed off.

30.04.2025

Aman Jain

NOTE:

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No