

(2010) 11 P&H CK 0389
In the Punjab And Haryana At Chandigarh
Case No : COCP No. 1752 of 2010

Dr. Varendra Swarup Education Foundation

APPELLANT

Vs

B.K. Saini

RESPONDENT

Date of Decision : 18-11-2010

Acts Referred:

Citation : (2010) 11 P&H CK 0389

Hon'ble Judges : Hemant Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hemant Gupta, J.—Present petitioner is one of the petitioners in CWP No. 11512 of 2006. The said petition was disposed of on 28.7.2006 with liberty to the petitioner to file a detailed and comprehensive individual representation before the District Town Planner (Enforcement), Gurgaon. Such authority was required to take a final decision within a period of four months by a detailed and speaking order.

2. Petitioner alleges the violation of the said direction, when the District and Town Planner sealed the premises of the petitioner on 18.8.2010. It is thereafter, the petitioner invoked the contempt jurisdiction of this Court.

3. In reply to the show cause notice of the present petition, it has been pointed out that a show cause notice was issued to the petitioner on 7.11.2006. Copy of the said notice has been appended as Annexure R-1. In pursuance of the said notice, an order (Annexure R-2) dated 1.12.2006 was passed directing the petitioner to restore the land and building to its approved stage i.e. remove the additional construction raised and to stop the commercial use of the building. Subsequently another notice was issued on 25.2.2010 (Annexure R-3) to one Girija Ganeshan of House No. Dakshin Marg-16, DLF City (QE), Phase-II Gurgaon OR to whom so ever it may concerned, pointing out that commercial use of the premises including the use of ATM of Indian Overseas Bank. Consequent to the

said show cause notice, an order has been passed on 19.8.2010 by District Town Planner (Annexure R-5).

4. It has been pointed out by respondents that show cause notices were pasted on the premises in dispute and sent by post as well. Though learned Counsel for the petitioner admits the receipts of the notice (Annexure R-I) but disputes that the opportunity of hearing was granted.

5. There are disputed questions, whether the opportunity of hearing has been granted to the petitioner or not, cannot be examined in the contempt petition. As per the respondents, order has been passed after granting opportunity of hearing, which fact is disputed by learned Counsel for the petitioner.

6. In view of the said fact, I do not find any case is made out for continuation of the present contempt petition. Consequently, the same is dismissed. However, it shall be open to the petitioner to avail such remedy as may be available to the petitioner in accordance with law.