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**(2001) 08 P&H CK 0002**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : COCP No. 1109 of 1997**

Paramjit Singh

APPELLANT

Vs

Purneet Bhardwaj

RESPONDENT

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**Date of Decision :** 28-08-2001

**Acts Referred:**

**Citation :** (2002) 1 RCR(Civil) 227

**Hon'ble Judges :** R.L.Anand, J

**Advocate :** Mr. Ranjan Lakhanpal, Advocate. Mr. A.K. Chopra, Advocate. Mr. Viney Mittal, Sr. Advocate with Mr. Arvind Bansal, Advocate, Mr. Subhjit Singh, Advocate, Mr. Surinder Gandhi, Advocate, Mr. P.S. Patwalia, Advocate., Advocates for appearing Parties

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## Judgement

R.L. Anand, J.—Present is a case which depicts highhandedness on the part of the respondent authorities. It also gives an example how the public functionaries can go to the extent in demolishing the property of the citizens without any right, title and authority.

2. Some facts can be noticed in the following manner :

This contempt petition has been filed by Paramjit Singh against respondents No. 1 to 5 and it has been alleged that one RSA was filed in the High Court by one Rajinder Singh deceased through his LRs Baltej Kaur and Jagdish Singh. That appeal was disposed of vide order dated 18.7.1985 and the suit of the plaintiff was decreed as per the compromise and two shops were given to the plaintiff by the Municipal Council. The petitioner purchased those two shops from the LRs of Rajinder Singh and thereafter he raised construction in the said two shops. On 17.8.1997 a representation was made to the SubDivisional Magistrate, Khanna that work on the said shops be stopped. The SubDivisional Magistrate passed an order that the work be stopped till 9.00 a.m. tomorrow i.e. on 18.8.1997. On 18.8.1997, the petitioner appeared before the Sub Divisional Magistrate and apprised him about the whole situation and also about the decree passed by the High Court. The Sub Divisional Magistrate allowed the further construction on the

two shops and the same was completed by evening. Around midnight some persons along with the respondents came at the spot and demolished the construction raised over there forcibly and took the possession of the site in gross violation of the decree. The demolition was done in spite of the fact that the officers/respondents were apprised of the order of the High Court. With this background the grouse of the petitioner is that all the respondents have committed contempt of the court as defined under Section 2(c) of the Contempt of Courts Act.

3. Notice of the contempt petition was given to the respondents, who filed different replies and denied the allegations. The contempt petition has been defended mainly on the ground that the land over which the shops were constructed belonged to the Municipal Council and there was no specific demarcation.

4. I have heard the learned counsel for the parties and with their assistance have gone through the record of this case.

5. During the course of submissions the learned counsel for the petitioner submitted fairly that his client would be satisfied if he is allowed to build the shops on the site in question and he may be further suitably compensated by the respondents for the illegal action taken by them in the demolition of the shops.

6. After hearing the learned counsel for the parties, I give directions to the respondents to allow the petitioner to raise construction of the shops over the site regarding which the demarcation has already been granted to the petitioner or his predecessor. I further impose costs of Rs. 25,000/ upon respondents No. 1 to 5, which shall be shared by them equally, for the illegal action taken by them in demolishing the shops of the petitioner. The compensation must be paid to the petitioner within one month from today. If any hindrance is created by any of the respondents in the construction of fresh shops by the petitioner, it will be open to the petitioner to again approach this Court with a contempt petition.

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