

(2013) 09 P&H CK 0427

High Court Of Punjab And Haryana At Chandigarh

Case No: COCP No. 2336 of 2013

Devender Mishra

APPELLANT

Vs

Hardayal Singh Mann and
Others

RESPONDENT

Date of Decision: Sept. 6, 2013

Hon'ble Judges: M.M.S. Bedi, J

Bench: Single Bench

Advocate: Sanjiv Gupta, for the Appellant;

Final Decision: Disposed Off

Judgement

M.M.S. Bedi, J.

Vide order dated February 21, 2011, a direction was issued by a Coordinate Bench of this Court to the Commissioner, Patiala Division to constitute an Inquiry Committee comprising officers posted outside District Patiala for a fact finding inquiry to determine the allegations of the petitioner that he was being ousted in an unauthorized manner from the premises of Shiv Mandir in Village Kehri Gujran, near Officers Colony, Patiala. Aggrieved by the non-compliance of the order, the petitioner filed a contempt petition No. 1614 of 2011 in which a report regarding the status of the inquiry was directed to be placed on record on May 3, 2012. It appears that the matter having been compromised vide annexure P-8, the petitioner had withdrawn the contempt petition.

2. The present contempt petition has been filed complaining about interference by the private respondents.

3. I have heard learned counsel for the petitioner and considered the order dated February 21, 2011 and the subsequent events and I am of the opinion that vide order dated February 21, 2011, no absolute right was conferred upon the petitioner, however, as an interim measure his possession in the Mandir had been protected simultaneously directing the Commissioner to constitute an Inquiry Committee to

conduct a fact finding inquiry by joining the petitioner. The report was required to be prepared and submitted before the Court. The said report was submitted in the Court probably in favour of the petitioner. Report dated December 7, 2011 was prepared and submitted in the Court but a copy of the same has not been placed on record but counsel for the petitioner produced a copy of the report in the Court which indicates that possession of the petitioner stands established from the said report. The allegations of consumption of liquor and meat have been found to be false against the petitioner. There are certain observations against the son of the petitioner namely, Dinesh Mishra.

4. The private respondents seem to be having a controversy with the petitioner. The remedy available with the petitioner is to protect his possession and restrain anyone from dispossessing him in an illegal manner by establishing that he has got a better possessory title and right to remain in possession and enjoy uninterrupted possession of the portion in his occupation in the Shiv Mandir aforesaid. The circumstances do not warrant initiation of contempt proceedings against the respondents at this stage as the SSP, Patiala has already been directed to provide adequate security to the petitioner and his family and the temple properties vide order dated February 21, 2011 which has been made absolute vide order dated March 17, 2011. Relegating the petitioner to avail any other alternative remedy available to him, this petition is disposed of as not maintainable. In case any of the private respondents violates the terms of compromise annexure P-8, it will be open to the petitioner to seek the performance of the acts compromised by the private respondents.