

A SECTOR 6, BAHADURGARH PLOT HOLDERS'
ASSOCIATION AND ORS.

v.

THE STATE OF HARYANA AND ANR.

B APRIL 7, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

C *Contempt—Direction given by Supreme Court to respondents to complete development work in colony—Allegation of disobedience of Court order—No wilful disobedience found on the part of respondents in carrying out the directions—Held therefore the conviction of respondents for disobedience of court order was not warranted.*

D CIVIL ORIGINAL/APPELLATE JURISDICTION : Contempt
Petition No. 577 of 1996.

In

Civil Appeal No. 237 of 1981.

E From the Judgment and Order dated 17.10.80 of the Punjab &
Haryana High Court in C.W.P. No. 2415 of 1980.

R.C. Verma and Chatanya Sidharth for the Petitioners Appellants.

F Swaraj Kaushal, Mrs. H. Wahi, Sanjeev Pabbi and Ms. N. Mukherjee
for the Respondents.

The following Order of the Court was delivered :

G This is an application for contempt for disobedience of the order of
this Court in *Sector - 6 Bahadurgarh Plot Holders Association v. State of
Haryana*, JT (1995) 9 SC 167. In the operative part of the judgment this
Court directed as under :

H "The allotments having been made about two decades ago, there
can be no justification in not fully developing the plots even by
1992. The statement in O.A. No. 2 of 1992 that the sector is "almost
fully developed" and that "temporary disposal has been completed"

do speak about lack of proper interest and attention on the part of the respondents. In this connection we would state that a statement had been on behalf of the respondent before this Court on 14.1.1995 that possession of the developed plots would be given to the appellants within a period of six months, and so such a direction was given. Shri Bhandare states that direction is yet to be complied with in letter and spirit. It is this complaint which has given rise to Contempt Petition No. 22 of 1989. On the facts and circumstances of the case, we do not propose to pursue the contempt application and would direct the respondents once again to develop the sector fully, and not, "almost fully". This would be done within a period of six months, failing which the respondent would not only be liable for contempt but the allottees would be exonerated from the liability to pay any interest whatsoever."

It is alleged that the authorities have not taken any steps, after the above order passed by this Court. As a result, contempt notice was issued. Affidavits have been filed by two person, viz., by the Chief Engineer K.K. Bhugra and the other by Executive Engineer R.K. Garg. The Chief Engineer in his affidavit has stated in paragraph 4 that "I say and submit that I have personally visited and inspected Sector-6, Bahadurgarh and found that the development as well as additional works detailed in the affidavit of the Executive Engineer have been carried out at site." In the affidavit filed by the Executive Engineer, R.K. Garg, he has stated about the action taken by him in paragraph 4, which reads as under :

"That pursuant to this Hon'ble Court's judgment directions dated 6.12.1995 in Civil Appeal No. 2347/1981, the authority undertook the balance works. The sewerage pipe line of 800 mm. diameter having a length of about 8/4 kms. (760 Mts.) have been laid and made operational, while the temporary disposal just adjoining the sector has been abandoned. One Electric transformer has been installed and open spaces have been fenced with barbed wire and levelled. In addition to the development works, following repair and augmentation works have also been carried out.

(a) 95. Sodium lamps have been provided on the central verge of the 4 lane divided carriage way main entry from National High way No. 8 to the colony.

A (b) Two main entries to the colony from National Highway No. 8 have been repaired and recarpetted with mechanical mixer and paver machines and are in good condition.

B (c) All major roads of the colony having metalled width of 6.7 mtr. and 9.4 mtr. have been repaired and recarpetted with mechanical mixer and paver machine and are in good condition.

(d) Three hundred tree guards have been installed for protection of the saplings planted.

C The authority has spent in all about Rs. 85.00 lacs on these works since 6.12.95 i.e. the judgment/directions of this Hon'ble Court."

D It is further stated that "It is further submitted that the authority has made its best efforts to complete all the development work in the colony/Sector-6 of Bahadurgarh in its best earnest and for that the authority shall abide by further directions/orders of this Hon'ble Court."

E Learned counsel appearing for the respondent has placed before us the album containing photographs taken before filing of the counter affidavit. On looking at the album and the affidavit, we find that there is no wilful disobedience on the part of the respondents in carrying out the directions as undertaken by them in our order referred to earlier. Accordingly, we do not find any warrant to convict them for disobedience of the orders passed by this Court. However, Shri R.C. Verma, learned counsel for the petitioners says that still so more work is being done. If there is any shortfall in the completion of the works, it is always open to the petitioners

F to bring to the notice of the respondent and we have no doubt that the respondents would carry out the same.

The Contempt Petition is accordingly dismissed.

G T.N.A.

Petition dismissed.