



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

COCP No. 1748 of 2017 (O&M)

Date of Decision: 04.03.2025

Balbir Singh through his attorney
Sh. Balwant Singh

..... Petitioner

Versus

Balbir Chand, Power of Attorney Holder of
Amar Chand and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Bansal, Advocate and
Mr. Naveen Nandal, Advocate, for the petitioner.

Mr. R.D. Rattewal, Advocate and
Mr. R.S. Athwal, Advocate
for respondent No. 1.

Mr. Athar Ahmad, Deputy Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition, seeks initiation of contempt proceedings against the respondent(s), alleging willful non-compliance of an order dated 01.02.2017 (**Annexure P-1**) passed by Writ Court in **CWP No. 581 of 2016**, titled “**Amar Chand and another Versus Financial Commissioner and others**”, which was based on a settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court on 20.12.2016.

[2] The only bone of contention between the parties is Clause-6 (b) of the aforesaid settlement dated 20.12.2016, which reads as under:-

“6 (b) The first party will not interfere into the land of the second party falls under Khasra No. 13/1 and the first party will manage path from own property of the Trust and the second party will have no right or claim over the said path.”

[3] During pendency of the present proceedings, vide order dated 23.01.2025, demarcation of the site in dispute was directed to be carried out. In pursuance thereof, a report dated 23/28.01.2025 has been produced by the learned State Counsel, which has been taken on record as **Mark-‘X’**. Registry to tag / paginate the same at appropriate place in the paper-book accordingly.

[4] Learned counsel for respondent No. 1 states that in terms of the demarcation report dated 23/28.01.2025 as well as in the light of settlement dated 20.12.2016, respondent No. 1 shall not interfere with the possession of petitioner over the land falling in Khasra No. 13/1 and the Trust would manage the path from its own property while claiming no right or interest over the path existing over Khasra No. 13/1.

[5] In view of the aforesaid stand taken by learned counsel for respondent No. 1, learned counsel for the petitioner does not press the petition.

[6] **Disposed off** accordingly.

[7] The respondent shall remain bound by the stand taken hereinabove.

[8] However, it is made clear that in case the petitioner still has any grievance about the aforementioned demarcation report, he shall be at liberty to file his objections before the Tehsildar Banga, District Shaheed Bhagat Singh Nagar (Punjab) within two weeks from today, which shall be

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decided by the Tehsildar Banga after hearing both the sides within four weeks thereafter, followed by passing of a detailed speaking order thereupon. Upon the said determination, in case the petitioner still feels aggrieved, he shall be at liberty to avail his remedy in accordance with law.

[9] Rule stands discharged.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

March 04, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>