

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAI PUR BENCH, JAI PUR

O R D E R

S. B. Civil Contempt Petition No. 1467/2014
(Pradeep Kundu v. Shri Pawan Arora & Ors.)

Date of Order: 30/11/2015

PRESENT
HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Mr. Sudesh Bansal, for the petitioner.
Mr. Rajendra Prasad, AAG, Ms. Anamika Arora and Mr. Anoop Pareek, for the respondents.

In pursuance of the order dated 27.11.2015 passed by this court, contemner-respondent No. 1 Shri Pawan Arora, Secretary, Jai pur Development Authority, is present in court.

This court has drawn attention of the Secretary, Jai pur Development Authority to the fact that numerous cases pending against the Jai pur Development Authority are not being attended in right earnest. It has also been brought to the notice of the Secretary, Jai pur Development Authority that number of cases have to be unnecessarily adjourned since service is not affected upon the Jai pur Development Authority.

The Secretary, Jai pur Development Authority has assured this court that one panel counsel shall always remain present in the court to accept notice on behalf of the Jai pur Development Authority.

During the course of submissions, the Secretary, Jai pur Development Authority has very fairly stated that the Jai pur Development Authority is embroiled in about ten thousand cases out of which numerous are contempt petitions. In number of contempt petitions, various coordinate Benches of this court

have issued a direction to the Jai pur Development Authority to decide the representations of the persons who had approached this court. Number of contempt petitions are listed for issuing a direction to the Jai pur Development Authority to decide the representations.

The Secretary, Jai pur Development Authority has assured this court that in all pending cases, representations shall be decided within one month from today.

Shri Rajendra Prasad, learned Additional Advocate General, on instruction from the Secretary, Jai pur Development Authority has further stated that the Jai pur Development Authority will make a request to the Secretary, Rajasthan State Legal Services Authority to explore the possibility for holding Lok Adalat for redressal of grievance of the litigants pertaining to the cases where Jai pur Development Authority is a party. Shri Rajendra Prasad has submitted that to reduce number of pending litigation, all efforts shall be made that the disputes are amicably settled in Lok Adalats to be held under the aegis of Rajasthan State Legal Services Authority and the Jai pur Development Authority.

So far present case is concerned, the Deputy Commissioner, Zone-5, Jai pur Development Authority has already decided the representation of the petitioner as per direction issued by the coordinate Bench.

Grievance of the petitioner was that the Jai pur Development Authority be directed to remove

encroachment.

Shri Sudesh Bansal learned counsel for the petitioner has submitted that on the day the Secretary, Jai pur Development Authority was called by this court, for the mal afi de reasons on the said date itself i.e. 27.11.2015, a notice was issued to the petitioner to remove the encroachment. Shri Sudesh Bansal states that from action of the Jai pur Development Authority it can be safely inferred that Jai pur Development Authority intended to overawe the petitioner not to pursue the present petition.

Shri Raj endra Prasad has strongly objected to the above contention raised by Shri Sudesh Bansal . He contends that in pursuance of the order passed by the Tribunal , encroachment is required to be removed. Shri Raj endra Prasad further submits that the Jai pur Development Authority is taking active steps to remove all the encroachments from the ci ty of Jai pur.

Taking note of the submissi ons advanced by Shri Sudesh Bansal and Shri Raj endra Prasad, Liberty is granted to the petitioner to file reply to the show cause notice and project therein that action of the Jai pur Development Authority is mal afi de. Petiti oner may for redressal of his grievance file a separate writ petition in accordance wi th the provisions of law.

Si nce representation in pursuance of the order passed by this court on 9.1.2014 in S. B. Civil Writ Petition No. 4501/2011 has been decided by the Deputy Commi ssioner, Zone-5, Jai pur Development Authority, there is a compliance of the order passed by this

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court and hence, nothing survive in the present contempt petition. It is hereby, dismissed.

A copy of this order be handed over to Shri Rajendra Prasad, Learned AAG, under the seal and signature of court master for onward transmission and compliance.

(KANWALJIT SINGH AHLUWALIA), J.

Govind/-

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Govind Sharma, Sr.PA