

SUPREME COURT OF INDIA

Viswajeet Khanna

Vs.

Sukhwinder Singh

C.A.No.15686 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

05.10.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.23123/2016

1. Leave granted.
2. The appellants are before us aggrieved by the order dated 28.05.2016 passed in CACP No.14/2016 by the High Court of Punjab and Haryana at Chandigarh.
3. The matter was before the Division Bench, pursuant to the contempt proceedings initiated against the appellants. In the nature of order we propose to pass it is not necessary to go into the factual matrix except to refer to last order passed by this Court on 24.08.2017, which reads as follows:-

"Paragraph 37 of the impugned order reads as follows :-

"The respondents have rightly approached the Contempt Court for non-compliance of the orders passed by the writ court on 28.05.2014. The State shall identify the forest land based on the Government records maintained as on 25.10.1980, the date from which the Forest (Conservation) Act, 1980 was enforced as expeditiously as possible. While undertaking such an exercise, the State shall not rely upon the satellite imagery that was taken on 17.05.1981 which is beyond the cut-off date fixed by the Hon'ble Supreme Court. In other words, the satellite imagery taken on 17.05.1981 be eschewed from the purview of identification of the forest land. The appellants shall not rake-up these issues time and again before the Contempt Court."

We direct the State to identify the forest lands based on the Government records as on 25.10.1980 and submit a report to this Court positively within three weeks.

We direct the Chief Secretary to coordinate the preparation of the report. We make it clear that the Chief Secretary shall not delegate the preparation of the report to anybody else and make sure that the same is done under his supervision directly.

The stay on contempt proceedings shall continue until further orders. Matters remain part-heard. List on 04.10.2017 as Part Heard."

4. The Chief Secretary has, accordingly, submitted a detailed Report dated 13.09.2017 along with plans, sketch etc. Having gone through the Report, Shri V.K. Bali, learned senior counsel appearing for the respondent(s), submits that now that a report has been submitted by the Chief Secretary which, according to the learned senior counsel, is wholly faulty, the same will have to be gone into either by this Court or by the High Court.
5. Having regard to the jurisdiction invoked before this Court, we are of the view that it is only appropriate that the liberty is granted to the respondents to challenge the same before the High Court in an appropriate proceeding.
6. The Report having been submitted by the Chief Secretary and since the same is sought to be challenged on merits, we do not find any need for Continuing the contempt proceedings initiated against the appellants. Therefore, we set aside the proceedings initiated against the appellants under the contempt jurisdiction exercised by the High Court.
7. In the event of the respondents approaching the High Court, we request the Court to dispose of the matters expeditiously.
8. In view of the above, the appeals are disposed of.
9. Pending applications, if any, shall stand disposed of.
10. There shall be no orders as to costs.