

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 994 OF 2003

CHHIDDA SINGH JAT & ORS.

Appellant (s)

VERSUS

SURESH CHAND TYAGI & ANR.

Respondent(s)

(With appln. for suspension of the execution of the order)

WITH

Civil Appeal NO. 3442 of 2003

(With appln(s) for stay)

Date: 05/08/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s) Mr. Shiv Sagar Tiwari, Adv.

In CA 994/03

in CA 3442/03 Mr. A.K. Chitale, Sr. Adv.

Mr. Niraj Sharma, Adv.

Mr. Vikrant Singh Bais, Adv.

For Respondent(s) Ms. Pragati N. Singh, Adv.

Mr. S.N. Singh, Adv.

Mr. B.K.Satija, Adv.

Mr. A.K. Chitale, Sr. Adv.

Mr. Niraj Sharma, Adv.

Mr. Vikrant Singh Bais, Adv.

Mr. Shiv Sagar Tiwari, Adv.

UPON hearing counsel the Court made the following

O R D E R

C.A. No.994/2003

The Appeal stands allowed qua Chhidda Singh Jat and

Darshan Lal Soni.

The Appeal of the third Appellant Gopal Krishan Yadav

is dismissed in terms of the signed order order.

C.A. No.3442/2003

The Appeal stands allowed in terms of the signed
order.

(K.K. Chawla)

Court Master

(Jasbir Singh)

Court Master

Two separate signed order in Civil Appeal No.994 of 2003 and

Civil Appeal No.3442 of 2003 are placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 994 OF 2003

CHHIDDA SINGH JAT & ORS.

Appellant (s)

VERSUS

SURESH CHAND TYAGI & ANR.

Respondent(s)

O R D E R

Heard Parties.

This Appeal is against an order dated 10th January, 2003 by which the

Appellants (herein) have been sentenced to undergo simple imprisonment for three months and a fine of Rs.5,000/- for not having complied with an order dated 17th May, 2002.

It appears that in spite of an Order of the High Court, passed as far back as 23rd October, 1997, the Municipality and its Officers are not regulating a "Nala" which is polluting the fields around it and is also polluting the waters in the wells of the villagers. As the order dated 23rd October, 1997 was not complied with, on 17th May, 2002, the Municipality was again directed to see that the earlier order was complied with within three months. The direction of 17th May, 2002 therefore were against those officers who were in-charge on 17th May, 2002. As the order of 17th May, 2002 was again not complied with and a false compliance report was filed the order dated 10th January, 2003 was passed sentencing them and imposing a fine on them.

We, however, find that the Appellant Nos.1 & 2 ((herein), namely,

Chhidda Singh Jat and Darshan Lal Soni were not in Office either on 17th May,

2002 or on 10th January, 2003. They were transferred much before the
se dates.

They, therefore, cannot be said to be in contempt of the order dated 17th May, 2002.

The Appeal, therefore, stands allowed qua Chhidda Singh Jat and Darshan
Lal

Soni.

We, however, find that the third Appellant Gopal Krishan Yadav was the

Chairman of the Municipality on the date the order dated 17th May, 2002
was

passed. No excuse has been shown as to why he did not comply with the order.

Therefore, his Appeal will stand dismissed.

.....J.

(S.N. Variava)

.....J.

(Tarun Chatterjee)

New Delhi;

August 5, 2005.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3442 OF 2003

MAHENDRAPAL SINGH BHADORIA

Appellant (s)

VERSUS

SURESH CHAND TYAGI

Respondent (s)

O R D E R

Heard Parties.

This Appeal is against an order dated 10th January, 2003 by which the

Appellant (herein) has been sentenced to undergo simple imprisonment for three months and a fine of Rs.5,000/- for not having complied with an order dated 17th May, 2002.

It appears that in spite of an Order of the High Court, passed as far back as 23rd October, 1997, the Municipality and its Officers are not regulating a "Nala" which is polluting the fields around it and is also polluting the waters in the wells of the villagers. As the order dated 23rd October, 1997 was not complied with, on 17th May, 2002, the Municipality was again directed to see that the earlier order was complied with within three months. The direction of 17th May, 2002 therefore were against those officers who were in-charge on 17th May, 2002. As the order of 17th May, 2002 was again not complied with and a false compliance report was filed the order dated 10th January, 2003 was passed sentencing the Appellant and imposing a fine on him.

We, however, find that the Appellant (herein) was not in Office either on 17th May, 2002 or on 10th January, 2003. He was transferred much before these dates. He, therefore, cannot be said to be in contempt of the order dated 17th May, 2002. The Appeal, therefore, stands allowed.

.....J.
(S.N. Variava)

.....J.
(Tarun Chatterjee)

New Delhi;

August 5, 2005.