

CM-2-CWPIL-2025 IN/AND
CWP-PIL-170-2024 (O&M)

112+222 (2 cases)

**CM-2-CWPIL-2025 IN/AND
CWP-PIL-170-2024 (O&M)
DISTRICT BAR ASSOCIATION, MALERKOTLA
versus
STATE OF PUNJAB AND OTHERS
CWP-PIL-249-2024 (O&M)**

Present:- Mr. S.S. Behl, Advocate and
Mr. Gaurav Vir Singh Behl, Advocate for the petitioner
(in CWP-PIL-170-2024).

Mr. Sandeep Arora, Advocate for the petitioner
(in CWP-PIL-249-2024).

Mr. Salil Sabhlok, Senior DAG Punjab.

Mr. Deepak Balyan, Additional AG Haryana.

Mr. Abhinav Sood, Additional Standing Counsel with
Ms. Mehndi Singhal, Advocate and
Ms. Achintaya Soni, Advocate for the U.T., Chandigarh.

Mr. Gaurav Chopra, Senior Advocate with
Mr. Shobit Phutela, Advocate,
Ms. Seerat Saldi, Advocate and
Ms. Devanshi Sharma, Advocate
for respondent No.4 – High Court.

This Court, on 20.12.2024, had directed the Sub Division Magistrate, office at Derabassi, District Mohali situated on the 1st floor to be vacated within a period of 02 weeks, with a further direction to the State of Punjab to issue allotment orders in favour of the Sub Divisional Judicial Courts, Derabassi, Mohali, so that 1st floor of the said building could be used by the Court of Judicial Officers. The relevant portion of the aforesaid order contained in paras-7 to 9 thereof, are reproduced herein below for ready reference and convenience:-

“7. *In view of the aforesaid and in the compelling circumstances where the State of Punjab by its inaction has left*

Page 1 of 4

this Court with no other option, this Court directs that the Sub Divisional Magistrate, Derabassi shall vacate the premises on the first floor within a period of two weeks from today and report compliance.

8. *In the meanwhile, the competent authority under the State of Punjab is directed to issue allotment order of the entire building on the first as well as ground floor in favour of the Sub Divisional Judicial Courts, Derabassi, Mohali for occupation of the Judicial Officers for holding Court.*

9. *Let the aforesaid exercise of vacating as well as issuance of fresh allotment order be made within a period of two weeks and report in that regard be filed.”*

2. Today, the State of Punjab has filed an application bearing CM-2-CWPIL-2025 in CWP-PIL-170-2024 seeking vacation of directions issued on 20.12.2024 by this Court.

3. After having gone through the contents of aforesaid application for vacating directions, the only ground which appears to be raised by the State of Punjab is that necessary formalities for acquiring the land for construction of new Court Rooms at Derabassi has already been done on 03.01.2025, and that construction of 06 temporary court rooms and 01 Family Court in the tehsil complex at Derabassi has been approved by the Building Committee and sanction to the extent of Rs.379.44 lacs has already been issued by the State of Punjab.

4. A bare reading of the interim order dated 20.12.2024 passed by this Court, especially para-14 thereof reveals that this Court while issuing directions for vacating the premises on the 1st floor by the Sub Divisional Magistrate, Derabassi, was conscious of the fact of makeshift/temporary arrangements being made by the State of Punjab.

5. It is not disputed at that bar that 06 newly appointed judicial officers, presently under training, shall be joining sometime in March/April,

2025 at Derabassi, and 03 newly appointed judicial officers, presently under training, shall be joining at the same point of time at Kharar Sub Division.

6. This Court, after gazing overall situation where the deficiency in the infrastructure provided by the State of Punjab in respect of residential accommodation as well as Court rooms fell desperately short of required standards and numbers, was compelled to pass the aforesaid directions under review. Thus, it cannot be said that this Court was unaware of certain circumstances, which the State of Punjab has brought to its notice by way of CM-2-CWPIL-2025.

7. This Court, on 20.12.2024, had thus taken a conscious decision compelled prolonged inaction on the part of State of Punjab in failing to provide foundational and necessary infrastructure of Court rooms and residential accommodations.

8. This Court, thus, does not find any merit in the application i.e., **CM-2-CWPIL-2025** seeking to vacate directions passed by this Court, which is accordingly **dismissed**.

9. Since the order of this Court passed on 20.12.2024 has not yet been carried out despite passage of more than 02 weeks as provided for its compliance, Sh. Amit Gupta, who is presently incumbent on the post of Sub Divisional Magistrate, Derabassi directed to be arrayed as party-respondent to this petition. The Registry of this Court is directed to issue contempt notice against Shri Amit Gupta, Sub Divisional Magistrate, Derabassi asking to file reply before the next date of hearing.

10. List on 17.01.2025.

**CM-2-CWPIL-2025 IN/AND
CWP-PIL-170-2024 (O&M)**

11. This order shall not come in the way of the State of Punjab for constructions of temporary Court rooms in all the Districts of Punjab.
12. The aspect as regards 65 flats being made available by the State of Punjab for judicial officers shall be considered on the next date of hearing.
13. Photocopy of this order be placed on the connected case file.

**(SHEEL NAGU)
CHIEF JUDGE**

**(SUDHIR SINGH)
JUDGE**

January 09, 2025
mahavir