

IN THE SUPREME COURT OF INDIA

CONTEMPT OF COURT PETITION No..... of 2013

IN

SPECIAL LEAVE PETITION (C) NO.13917 OF 2009

Parbodh Chander BaliPetitioner

Versus

Mr. Rakesh Singh, Chief Secretary to Govt. of
Punjab, Chandigarh & anotherAlleged Contemnors

LIST OF DATES & EVENTS

DATE	EVENT
11/10/2011	Hon'ble Supreme Court passed Judgment to stop Registration of Sale Deeds on bases of Power of Attorney
06/08/2012	The Ld. Deputy Commissioner, Amritsar (Punjab) issued office orders to stop registration of sale deed on the bases of Power of Attorney
29/08/2012	The Alleged Contemnors No 1&2 quash the orders of Alleged Contemnor No.3, The Deputy Commissioner, Amritsar by fax and directed him to carry on Registration of sale deed on base of Power of attorney
06/09/2012	Petitioner, in Person, filed a writ petition (CWP 17707 of 2012) in Hon'ble

	Pb. & Hr High Court against the orders.
11/09/2012	Hon'ble Punjab & Haryana High Court directs the Petitioner to file a Contempt of Court petition.
18/09/2012	Petitioner, in Person, filed a COCP petition (COCP 3098 of 2012) in Hon'ble Punjab & Haryana High Court.
19/10/2012	Hon'ble Punjab & Haryana High Court dismissed the petition on grounds of Jurisdiction and directed petitioner to file COCP in Supreme Court of India.
04/11/2012	Petitioner sent Legal Notice U/S 80 CPC to the Alleged Contemnors to refrain from making Contempt of Supreme Court of India. No reply made by Alleged Contemnors
01/04/2013	Alleged Contemnors again issued directions to carry on Registration of sale deed on bases of Power of attorney making sheer Contempt of Supreme Court of India
22/05/2013	Petitioner filed this COCP Petition in Hon'ble Supreme Court of India



Place: Amritsar

Petitioner in Person

Date: 22/05/2013

(Parbodh Chander Bali)

IN THE SUPREME COURT OF INDIA

CONTEMPT OF COURT PETITION No..... of 2013

IN

SPECIAL LEAVE PETITION (C) NO.13917 OF 2009

MEMO OF PARTIES

Parbodh Chander Bali,

121-A, Krishna Square-II

Batala Road, Amritsar

.....Petitioner

Versus

1) Mr. Rakesh Singh,

Chief Secretary to Govt. of Punjab,

Punjab Civil Secretariat, Chandigarh. 166001

2) Mr. N. S. Kang,

Financial Commissioner Revenue, Punjab,

Punjab Civil Secretariat, Chandigarh. 166001

3) Mr. Rajat Aggarwal, Deputy Commissioner,

Amritsar. 143001 (Punjab)

.....Alleged Contemnors

CONTEMPT PETITION under sections 10 and 12 of the Contempt of Courts Act, 1971 for initiating contempt proceedings against the Alleged Contemnors for their willful disobedience to comply with Judgment & directions passed by Hon'ble Supreme Court on dated 11.10.2011 in SLP (C) No.13917 of 2009 'Suraj Lamps & Industries Pvt. Ltd, vs. State of Haryana & Others', and to punish them in accordance with law.

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To

**Hon'ble the Chief Justice of India
and His Companion Judges of the
Supreme Court of India**

This Contempt of Court Petition of Petitioner most respectfully showeth:

- 1) That the petitioner is a public spirited person. He had filed this contempt petition before this Hon'ble Court, against continuous contempt being

done by Alleged Contemnors, of Judgement announced by the Hon'ble Supreme Court in SLP (C) No.13917 of 2009 'Suraj Lamps & Industries Pvt. Ltd, vs. State of Haryana & Others'.

- 2) That whereby directions were issued by the Hon'ble Supreme Court at Para (16) as *"We therefore reiterate that immovable property can be legally and lawfully transferred / conveyed only by a registered deed of conveyance. Transactions of the nature of 'GPA sales' or 'SA/GPA/WILL transfers' do not convey title and do not amount to transfer, nor can they be recognized or valid mode of transfer of immoveable property. The courts will not treat such transactions as completed or concluded transfers or as conveyances as they neither convey title nor create any interest in an immovable property. They cannot be recognized as deeds of title, except to the limited extent of section 53A of the TP Act. Such transactions cannot be relied upon or made the basis for mutations in Municipal or Revenue Records. What is stated above will apply not only to deeds of conveyance in regard to freehold property but also to transfer of leasehold property. A lease can be validly transferred only under a*

registered Assignment of Lease. It is time that an end is put to the pernicious practice of SA/GPA/WILL transactions known as GPA sales." A copy of Judgment dated 11-10-2011 is enclosed hereto.

- 3) That inspite of above directions by Hon'ble Supreme Court, the Alleged Contemnors, did not stop the practise of GPA sales ever and nothing was done to cease the Registrations of Sales Deeds, Conveyance Deeds, against GPA.
- 4) That subsequently, the Ld. Deputy Commissioner of Amritsar, Mr. Priyank Bharti, IAS, issued an office order no.677-92/HRC DT: 6.08.2012. In his above Order, the Ld. DC., Amritsar, referred a letter no. 25/42/2007-S.T.1./13512-13690 DT: 25.8.2010 issued from The Department of Revenue & Rehabilitation, Government of Punjab, Chandigarh and also one more Letter No. DIT (I & C I) Chandigarh/2011-12/261 DT: 22-02-2012 issued by The Director, Income Tax Intelligence and commercial Investigation, Chandigarh. The DC, Amritsar in this order mentioned the provisions of Indian Registration Act 1908 and Indian Stamp Act 1899.The Ld. DC of Amritsar directed in his order that all such cases where

"Registered Sale Deeds" were being executed on the bases of "Power of Attorneys", in those cases, the Sub-Registrars would ensure that all money transaction made in regard to, those money transaction had been made as per Act and Instructions strictly and to make-sure this, all Sub-Registrars of District Amritsar were being sent enclosed two leaves of a following Performa and were also being instructed that said Performa be got duly filled in two copies from the concerned parties, in which the information would be given by Original Owner as well as Original Purchaser and the Proof of Transaction would also be obtained. The Ld. DC of Amritsar also mentioned in the concluding para of this order that, "Sub-Registrars shall also ensure that the transaction which seems to them genuine, only those documents be registered and if the transaction is not proper, the desired action be taken in that documents as per Indian Registration Act, Indian Stamp Act and Government of Punjab instructions." The copies of above Order was endorsed to i) The Financial commissioner, Punjab, Chandigarh, ii) The Commissioner, Jalandhar Division, iii) All SDMs, District Amritsar iv) All Sub-Registrars-

District Amritsar for necessary action & needful. Copy enclosed **Annexure P-1 (Page 23-26)**

- 5) In good effect to above order, the illegal system of execution of Registering "Conveyance Deeds" of "Sale Deeds" of the properties on the bases of illegal GPA, completely came to a halt and only genuine transactions as per Act, Rules and instructions were being performed at the Offices of Sub-Registrars of District Amritsar resulting to big relief to the public.

- 6) But surprisingly, on 29.08.2012, a Fax message was received at the office of The DC, Amritsar sent by Superintendent, Department of Revenue & Rehabilitation, (Stamp Paper & Registration Branch), Government of Punjab, with its Letter reference No. 20/43/09-ST2/10641 DT: 29.8.2012. The subject of the letter was, "regarding the registered sale deeds being executed on the bases of the Power of Attorneys." The reference was given of the DC, Amritsar office Letters No. 677-92/HRC DT: 6.08.2012 & subsequent letter no. 961-979/HRC DT: 02.08.2012. The instruction of the Government of Punjab to The DC, Amritsar in the above letter was that "In reference to your above letters, this is being informed, that this

is under consideration of Government of Punjab, that a uniform policy be imposed throughout the state. Therefore the action on instructions issued by you be not enforced for two months."

(Annexure P-2)(Page 27-28)

- 7) That these acts of Alleged Contemnors, first allowing Sale on GPA since 11.10.2011 (i.e. after announcement of Judgment to stop registration of Sales Deeds on GPA) till this date and secondly now restraining the Deputy Commissioner of Amritsar from his lawful duty as per directions of court, purely amounts to contempt of court.
- 8) That petitioner filed a PIL in this regard (CWP No. 17707 of 2012) in Hon'ble High Court of Punjab & Haryana which was disposed off on 11.09.2012 with the order, ***"petition under Article 226 of the Constitution of India is not a remedy and the petitioner may avail of proper remedy, if he so desires."***(Ann. P-3)(Page 29-30)
- 9) That petitioner filed a Contempt of Court petition (COCP No. 3098 of 2012) in Hon'ble Punjab & Haryana High Court which was dismissed on 19.10.2012 with the order, ***"The petitioner***

alleges violation of the orders of the Hon'ble Supreme Court. However, this Court for want of jurisdiction cannot entertain the instant petition. Hence, dismissed. (Annex P-4)(Page 31)

10) That Alleged Contemnors again continued doing this illegal act even after two months of the instructions dated 29/08/2012 with an extension till 31/03/2013

11) That petitioner on 04/11/2012 served a legal Notice u/s 80 CPC to the Alleged Contemnors and well explained them that their act is illegal and hence they should immediate stop it. It was also informed to them that already a CWP and COCP has been filed in this matter against them and so if they do not adhere to Judgments of the Hon'ble Court, they will face a COCP of Hon'ble Supreme Court. **(Annexure P-5)(Page 32-36)**

12) That despite of this notice, respondent No. 2 on 01/04/2013 issued a letter No.7471-72 and directed Deputy Commissioners of Amritsar & Jalandhar to continue execution of sale deeds against Power of Attorneys illegally against the Judgments of the Hon'ble Supreme Court of India. **(Annexure P-6)(Page 37-38)**

13) That the issuance of the above letter caused the petitioner to file this COCP petition.

14) That petitioner has not filed further or previously any other similar petition in this Hon'ble Court or any other court in the country except previously in Hon'ble Punjab & Haryana High Court where CWP (PIL) was disposed of with directions to file COCP Petition and the COCP petition had been dismissed for want of Jurisdiction.

PRAYER:

In the above premises, it is prayed that this Hon'ble Court may be pleased

1) to allow Contempt petition and punish the Alleged Contemnors in accordance with the law, in the interest of justice, for their willful disobedience to comply with Judgment & directions passed by Hon'ble Supreme Court on dated 11.10.2011 in SLP (C) No.13917 of 2009 'Suraj Lamps & Industries Pvt. Ltd, vs. State of Haryana & Others'.

2) to issue directions to Alleged Contemnors to immediately stop Registration of Sale deed on

the bases of GPA and strictly adhere to the mandates/direction elaborated in the Judgment of Hon'ble Supreme Court in this subject.

- 3) to please pass such orders and further orders as may be deemed necessary on the facts and in the circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL AS IN DUTY BOUND, EVER PRAY.

FILED BY



Place: Amritsar

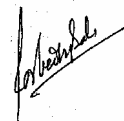
Parbodh Chander Bali

Date: 22/05/2013

Petitioner in Person

VERIFICATION

Verified that the contents from Para 1 to 14 are true and correct to the best of my knowledge and understanding. No part of it is false and nothing has been concealed therein.



Place: Amritsar

Petitioner in Person

Date: 22/05/2013

(Parbodh Chander Bali)