

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.525 OF 2014

Revaji Bajirao Shermale

..PETITIONER

VERSUS

Laxman Maruti Shermale

..RESPONDENT

Mr K.N. Shermale, Advocate for petitioner;
Mr A.N. Irpatgire, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 12th January, 2015

ORAL ORDER

The petitioner has questioned the revenue entries of the land in question, which he is claiming to be road-pad (Rastha-pad) and not Vasti-pad on the basis of order dated 16th April, 2014, which was passed in Writ Petition No.3413 of 2014. By the said order, this Court has continued the interim relief ordered by the Additional Collector by order dated 29th April, 2013. The Additional Collector, by order dated 29th April, 2014 has stayed the order of the Sub-Divisional Officer. The order of the Sub-Divisional Officer provides for entry as Vasti-pad.

2. According to the petitioner, the respondents have commenced the construction over the disputed property.

3. It is an admitted position on record that Writ Petition No.3413 of 2014 had been withdrawn under order dated 3rd December, 2014 with liberty to file a revision, as such revision, is pending before the Additional Commissioner.

4. Therefore, the order dated 16th April, 2014, passed in said writ petition had ceased to be in operation as the said writ petition was already withdrawn, though the interim order therein was continued for some period thereafter.

5. The nature of the interim relief passed in writ petition does not put an embargo on the right of the respondents as in writ petition the respondent was not restrained from carrying out any activity, much less development activity.

6. In view of above, no contempt is noticed. Contempt Petition is dismissed. It is open for the petitioner to take out appropriate proceedings in the facts and circumstances of the case, which shall be decided uninfluenced by the findings recorded herein.

(N.W. SAMBRE, J.)

amj