

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 12 OF 2014

IN

WRIT PETITION NO. 437 OF 2012

MR. SARVESH SAWANT THR. HIS P.O.A.
MRS. GEETA MAHESH SAWANT

... Petitioner

Versus

SHRI. SANTOSH LOTLIKER AND 5 ORS.,

... Respondents

Mr. Joaquim Godinho, Advocate for the Petitioner.

Mr. Sudesh Usgaonkar, Advocate for the Respondent No.6.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 14th September, 2015

P.C.:

Heard Mr. J. Godinho, learned Counsel appearing for the petitioner and Mr. Sudesh Usgaonkar, learned Counsel appearing for the respondent No.6.

2. This is an application filed by the petitioner on the ground that there is a breach of the statement recorded by this Court whilst disposing of Writ Petition No.437/2012 by an Order dated 13th August, 2012.

3. Mr. J. Godinho, learned Counsel appearing for the petitioner has pointed that though an appeal bearing Regular Civil Appeal No. 72/2012 has been disposed of, the concerned Officials are not taking

any action as referred to in the said order despite of the statement accepted by this Court. The learned Counsel further points out that the appeal has been decided in favour of the petitioner herein and the respondent/Municipality is not honouring the statement accepted by this Court in the said order.

4. Mr. Sudesh Usgaonkar, learned Counsel appearing for the respondent No.6 has pointed out that though the said appeal has been disposed of, the aggrieved party has already filed an appeal bearing Second Appeal No.50/2013 which has been admitted by this Court and an interim relief has been granted by an order dated 9th May, 2013. The learned Counsel further points out that as the dispute about the subject matter of the said appeal is still pending for adjudication, the question of the petitioner contending that there is any contempt or breach of the said statement recorded in the said petition would not arise.

5. Mr. J. Godinho, learned Counsel appearing for the petitioner, however, points out that the interim relief granted by this Court is limited to the extent that the delivery of possession has been stayed.

6. We have considered the submissions of the learned Counsel. It is not disputed that the petitioner was not a party to the said writ petition No. 437/2012, which came to be disposed of by an

order dated 13th August, 2012. In any case, as the second appeal is preferred challenging the Judgment passed in the appeal preferred against the said order, we find that at this stage, the question of contending that there is disobedience of the statement recorded by this Court would not arise. Mr. J. Godinho, however, submits that a representation has been made to the concerned Municipality with regard to the grievance. The Municipality shall examine such a representation on its own merits, in accordance with law.

7. The petition stands, accordingly, rejected.

K. L. WADANE, J.

F. M. REIS, J.

ssm.