

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CONTEMPT PETITION NO. 34 OF 2014
WITH
CONTEMPT PETITION NO. 256 OF 2014**

Siddharam Shivappa Patil	...	Petitioner
vs.		
The Union of India & Ors.	...	Respondents

Dr. Ramesh P. Sabban, Advocate for the petitioner.
Mr. S.B. Shetye, Advocate for respondent no. 1.
Mr. A.I. Patel, AGP for respondent nos. 2 and 3.

**CORAM : SMT. VASANTI A. NAIK &
C.V. BHADANG, JJ.
DATE : 12th February, 2015.**

P.C.

By this Contempt Petition, the petitioner seeks action against the respondents under the Contempt of Courts Act for willful disobedience of the orders dated 29th April, 2010 in Writ Petition No. 3004 of 2010 and 4th August, 2011 in Contempt Petition no. 47 of 2011.

It is the case of the petitioner that though the land in question, i.e., the land on which Akashvani has made the construction and is operational, was liable to be released in favour of the petitioner and if not, the compensation was payable to him, the respondents have not acted accordingly. It is stated that in a petition filed by the petitioner bearing Writ Petition No. 3004 of 2010, this Court had directed the respondents to consider the petitioner's case in the light of the Government Resolutions and the provisions of the Urban Land (Ceiling and Regulation) Act, 1976

and pass appropriate orders within a period of six months. It is stated that since appropriate orders were not passed within a period of six months, the petitioner had filed Contempt Petition No. 47 of 2011 and the said petition was disposed of after recording the statement of the respondent that the land would be acquired for the All India Radio and an award would be passed within a period of six months. It is stated that despite the said statement, the award was not passed within a period of six months and compensation was not paid to the petitioner.

The learned counsel for the respondents submitted on the basis of affidavit-in-reply that the mother of the petitioner and the brother of the petitioner, who was a member of the Legislative Assembly had donated the land to the Air India Radio and the petitioner had also signed the possession receipt. It is stated that these facts were not disclosed in the Writ Petition filed by the petitioner, bearing Writ Petition No. 3004 of 2010 in which the order of which the contempt is alleged, was passed. It is stated that the aforesaid fact came to the knowledge of the respondents after Contempt Petition No. 47 of 2011 was disposed of. It is stated that the Collector made an enquiry in the matter and found that the land was given by the mother and brother of the petitioner to the All India Radio, free of costs. In this background, it is stated that the respondents are not in a position to pay the compensation to the petitioner towards acquisition of the land. It is stated that there is no acquisition of the land and the land was donated by the family members of the petitioners to the All India

Radio. It is that after this Court noticed the said position, the petitioner was granted liberty to file a Writ Petition and the petitioner has filed Writ Petition No. 7180 of 2014, challenging the order of the Collector.

In view of the facts recorded herein above, we do not find that it would be necessary to proceed any further against the respondents in this Contempt Petition. We do not find that there is any disobedience of the Order of this Court in Writ Petition No. 3004/2010 much less any willful disobedience. The case of the petitioner was considered by the Collector and the Collector's order is challenged by the petitioner in Writ Petition No. 7180/2014. Some of the facts narrated by the petitioner in this Contempt Petition can be canvassed by the petitioner along with the grounds of challenge to the order of the Collector in Writ Petition No. 7180/2014.

In view of the aforesaid, we dispose of the Contempt Petitions, with no order as to costs. Notice stands discharged.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)