

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.167 OF 2014

Shankar Rajaram Patil .. Petitioner.
Vs.
The State of Maharashtra & Ors. .. Respondents.

Mr.Pradeep Dattijirao Dalvi for the Petitioner.
Mr.A.I. Patel AGP for the Respondent Nos.1 and 2.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 5TH MARCH, 2015

P.C.

1. Today the District Collector, Shri Rajaram R. Mane is present in the Court. He tenders his affidavit. In the affidavit, he has contended that a communication dated 27th February, 2011 communicating the decision on the application made by the petitioners, was forwarded to the petitioners by post on 28th February, 2011. He has annexed the photocopies of relevant pages of outward register of the office of the District Resettlement Officer. The Item No. 517 is said letter which appears to have been dispatched by ordinary post.

2. He has further stated that on 14th November, 2014 the Petitioners, though their constituted attorney made another

application for the same relief which was again processed. He has stated that even the said application has been rejected and a communication to that effect has been issued on 2nd March, 2015.

3. This Court has disposed of the Writ Petition No.9301 of 2012 by the order dated 22nd January, 2013. The said order records that the instructions were not received the learned AGP. After the order dated 22nd January, 2013 was passed, the Respondents could have moved this Court on the ground that the application of the Petitioner was already disposed of 27th February, 2011. However, that not done and therefore, the petitioners were forced to approach this Court by filing the present petition. From the averments made in the affidavit and the documents annexed to the affidavit of Shri Rajaram Mane it appears that the decision dated 27th February, 2011 was communicated to the petitioner. It is sought to be contended by AGP that an application for recall was not made in view of clause (a) of the operative part of the order.

4. However, we find from the Contempt Petition that on 4th February, 2013 the constituted attorney of the petitioners' trust addressed a letter to the District Collector as well as the District Resettlement Officer. Along with the said letter, copies of the order passed by this Court was enclosed. Even at that stage, the District Collector or District Resettlement Officer could have informed the petitioners that the application has already been decided. However,

both the authorities completely ignored the said letters. If the petitioners could have been informed about passing of the order on their application, they would not have filed this petition at all.

4. Considering the averments made in the aforesaid affidavit, we find this is not a case of wilful disobedience or breach of the orders passed by this Court. Hence, the notice issued to the Respondents is discharged. Contempt Petition is disposed of.

(A.K. MENON, J.)

(A.S. OKA, J.)