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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.257 OF 2015
IN
WRIT PETITION NO.5968 OF 2011

Mr. Suresh Vilaschandra Shah ... Petitioner
Vs.
The State of Maharashtra and Ors. ... Respondents

Mr. Rajaram V. Bansode, for the Petitioner.
Mrs. M.P. Thakur, AGP, for Respondent No.1.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 8th JUNE, 2015

PC.

. Heard the learned counsel appearing for the Petitioner.
The breach alleged is of the directions contained in the judgment and order dated 22nd December, 2014 passed in WP No.5968 of 2011. The breach alleged is of Clause (a) of the operative part of the said judgment and order which reads thus :-

“(a) The reservation imposed by the sanctioned development plan which came into force with effect from 1st August 1985 in relation to the land bearing Plot No.5/3 admeasuring 192.50 square meters and the Plot No.5/4 admeasuring 192.50 square meters out of Survey No.127/2B/2A at Majarewadi, Solapur, has lapsed and the said lands are now available to the Petitioner for the purposes of development as otherwise permissible in

case of adjacent land under the relevant plan.”

2. The breach alleged is that subsequently, the Solapur Municipal Corporation has published a revised draft Development Plan in which the plots which were subject matter of the aforesaid judgment and order have been shown reserved for public purpose of library.

3. Thus, according to the case of the Petitioner, in the revised draft Development Plan, no reservation could have been provided. The action of providing for reservation in the revised draft Development Plan cannot be said to be in breach of the order of this Court as there is no such restraint in the order of this Court.

4. If the action of providing reservation in the revised draft Development Plan is otherwise illegal considering the legal effect of the judgment and order of this Court, the Petitioner can always adopt appropriate remedies in accordance with law apart from raising an objection to the draft published by the Municipal Corporation.

5. No case is made out for initiating an action under the Contempt of Courts Act, 1971.

6. Subject to what is observed above, the Petition is disposed of.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)