

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.368 OF 2013
IN
WRIT PETITION NO.6015 OF 2012

Shankar Tukaram Teli (Kedari) & Ors.

... Petitioners

Vs.

The Collector of Pune & ors.

... Respondents

Mr.S.A. Sawant for the Petitioners

Mr.A.I. Patel, Assistant Government Pleader, for Respondent No.3

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 10th FEBRUARY, 2015

P.C.:

By this contempt petition, the petitioner seeks action against the respondents under the provisions of the Contempt of Courts Act for willfully disobeying the order dated 6.9.2012.

It is the case of the petitioner that though the respondents were directed to hand over the possession of the land to the petitioners within a period of 8 weeks, the respondents have not handed over 1.60 hr of land to which the petitioner was entitled to. It is stated that the respondents have handed over the possession of only of 1.20 hr of land.

On a reading of the writ petition, the affidavit in reply filed on behalf of the respondents and also the order dated 6.9.2012, it appears that there is nothing in the order which shows that the respondents were directed to hand over the possession of 1.60 hr. of land to the petitioner. There is a direction to the respondents to hand over the possession of the land to the petitioners but the order does not mention the extent of the land that was required to be handed over. Even in the annexure appended to the minutes of order dated 6.9.2012, it is not mentioned that the respondent should hand over 1.60 hr. of land. The respondents have specifically stated in the reply that the petitioner was entitled to the possession of only 1.20hr of land and nothing more. If the petitioners are of the view that the respondents were liable to hand over 1.60 hr. of land, the petitioners have other remedies.

In view of the aforesaid, the contempt petition is disposed of with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)