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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.266 OF 2013
IN
WRIT PETITION NO.700 OF 2012

Shri. Changdeo Shankar Sargule ... Petitioner

Vs.

Shri. Vikash Deshmukh ... Respondent

Mr. M.A. Choudhari, for the Petitioner.
Mr. A.I. Patel, AGP, for the 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 a direction contained in clause 3 of the order dated 31st July, 2012 in Writ Petition No.700 of 2012. There is an affidavit filed by Shri Vikas Vishwasrao Deshmukh, the District Collector of Pune. To the said affidavit, a copy of the order dated 2nd May, 2013 passed by the Collector has been annexed which holds that the Petitioner is ineligible to secure an allotment of a plot on the basis of the Government Resolution.

2. The learned counsel appearing for the Petitioner submitted that the Petitioner has fulfilled all the requirements of the Government Resolution and, therefore, the Collector ought not to have rejected the application made by the Petitioner.

3. By the order dated 31st July, 2012, of which breach is alleged, the Collector was directed to decide the application of the Petitioner in accordance with law. Accordingly, the Collector has ultimately rejected the application made by the Petitioner. Before rejecting the said application, by communication dated 23rd October, 2012, the Petitioner was called upon to make certain compliances. For the delay in passing the order, the Collector has tendered an unconditional apology to this Court.

4. Taking the submissions made by the learned counsel appearing for the Petitioner as it is, the contention seems to be that the order dated 2nd May, 2013 is erroneous. The said contention cannot be gone into in this Contempt Petition. The remedy of the Petitioner is to challenge the order dated 2nd May, 2013 in accordance with law. Suffice it to say that in view of the unconditional apology tendered by the District Collector, no case is made out to initiate action under the Contempt of Courts Act, 1971. By accepting the apology of the Collector, we dispose of the Petition. However, the remedy of the Petitioner to challenge the order/ communication dated 2nd May, 2013 is expressly kept open.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)