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

**CONTEMPT PETITION NO.440 OF 2014
IN
PUBLIC INTEREST PETITION (ST) NO.7971 OF 2014**

Gorakh Anand Ghadge and Anr. ...Petitioners

v/s.

Harshvardhan S. Patil and Ors. ...Respondents.

Mr.Ashish Shivajirao Gaikwad, for the Petitioners.

Mrs.M.P.Thakur, AGP for Respondent Nos.2, 3, 14 and 15.

Mr.Rahul Shivaji Kadam, for Respondent Nos.8 to 10, 12 and 13.

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

DATED : 09th JUNE, 2015.

ORDER (Per Revati Mohite Dere, J.) :-

1. In this petition, the petitioners have alleged contempt by the respondents, of the orders dated 21st March, 2014, 28th March, 2014 and 16th April, 2014 passed by the Division Bench of this Court in Public Interest Litigation (St) No.7971 of 2014.

2. Learned Counsel for the petitioners essentially relied on the

aforesaid orders in support of his contention and urged that the respondents be punished under the Contempt of Courts Act, 1971, for committing breach of the said orders. He submitted that vide order dated 21st March, 2014, this Court (Coram: Chief Justice Mohit S. Shah and M.S.Sanklecha, J.) in para 7 had observed as under :-

“7. In view of the aforesaid decision of the Government, it is directed that Respondent No.10 – Maharashtra State Electricity Distribution Company Ltd., shall not make any coercive recovery of the electricity charges from the affected farmers till further orders and in case respondent No.10-company or its agents have disconnected the electricity supply, the electricity supply shall be restored with immediate effect. **It is further directed that the banks and the co-operative societies in the State of Maharashtra shall not make any coercive recovery of crop loans from the affected farmers till December 2014**”. (Emphasis supplied)

3. He submitted that vide orders dated 28th March, 2014 and 16th April, 2014, the said Court reiterated the directions given vide order dated 21st March, 2014. He also relied on para 5 of the order dated 16th April, 2014, which reads thus :-

“5. By our order dated 21st March, 2014, we had directed that the banks and the co-operative societies in the State of

Maharashtra shall not make any coercive recovery of crop loans from the affected farmers till 31 December, 2014. It is further directed that this direction shall apply in respect of all agriculture loans and agricultural allied loans and the State Government shall issue necessary instructions to the banks and the co-operative societies”.

According to the learned counsel for the petitioners, the respondent nos.4 to 13 had initiated coercive steps as against the deceased Vikas Maruti Chavan and Dasharat Mane, despite the orders dated 21st March, 2014, 28th March, 2014 and 16th April, 2014, passed by this Court in the aforesaid PIL. He contended that the said Vikas Maruti Chavan, resident of village Shirasgao, Taluka : Shirur, District : Pune committed suicide on 28th March, 2014. He contended that due to the coercive action taken by the respondent nos.4 to 7, the said Vikas Chavan, was constrained to commit suicide. He urged that similarly due to the coercive steps initiated by the respondent nos.8 to 13 as against the said Dasharat Mane, he too was compelled to commit suicide. He urged that the actions of the respondents were clearly contrary to the orders dated 21st March, 2014 and 28th March, 2014 passed by this Court in the aforesaid PIL and as such, the respondents were clearly in contempt of the said orders.

4. The suicides are no doubt unfortunate, but the question before us is whether or not the respondent nos.4 to 13 are in contempt of the aforesaid orders passed in the PIL. We have perused the aforesaid three orders passed in the PIL and the averments made in the petition, in particular paras 7 and 8, which deals with the case of Shri Vikas Chavan and para 9 with respect to the suicide committed by Shri Dasharat Mane. As per the order dated 21st March, 2014, this Court had directed the banks and the co-operative societies in the State of Maharashtra, not to take any coercive measures with regard to recovery of crop loans from the affected farmers till December 2014. The breach/contempt alleged is of this direction given to the banks and co-operative societies not to take coercive steps for recovering of crop loans from the affected farmers.

5. Perused paras 7 to 9 of the contempt petition. The averments therein are bereft of details with regard to when the recovery action was taken by the respondents or when forcible recovery was effected as against the said two persons/farmers i.e. Shri Dasharat Mane and Shri Vikas Chavan. Paras 7 to 9 of the Contempt Petition read as under :-

“7. The Petitioners state that in the case of Shri Vikas Maruti Chavan, who is 30 years old farmer committed suicide due to

the coercive action for recovery of the loan taken by the said farmer for a agricultural house from the Nirvi Branch of the Respondent Nos.4 to 7 are concerned about the said head office of the Pune District Central Co-operative Bank and are concerned for the recovery of the loan from the said farmer who is affected by the said hailstorm and without observing and obeying the orders passed by this Hon'ble Court dated 21st and 28th March, 2014, in the above mentioned P.I.L. sought coercive recovery from him.

8. The Petitioners state that Petitioners are the family of the said aggrieved farmer Shri Vikas Maruti Chavan from village Shirasgaon Kata the Respondent Nos.14 and 15 miserably failed and neglected to register the FIR against the delinquent recovery officers of Nirvi Branch of the Pune District Co-op. Bank Ltd. Despite the order has been brought to their notice and made correspondence by the Petitioners to the Respondents Nos.14 and 15. Therefore, the Respondent Nos.4 to 17 even the Respondent Nos.14 and 15 have committed the contempt of this Hon'ble Court thereby not obeying the order passed by this Hon'ble Court as the farmer committed suicide due to the forcible recovery at the hands of the Respondent Nos.4 to 7 and the Respondent Nos.14 and 15 overlooked and shown callus attitude to register F.I.R. as against the delinquent officers of the Bank as mentioned herein. Therefore these concerned should be punished under the action of

Contempt with further directions of this Hon'ble Court to register F.I.R. against all concerned delinquents in the matter arising out of the said suicide case by the farmer in light of the illegal action at the hands of Respondent Nos.4 to 7 and inaction on the part of Respondent Nos.14 and 15. Hereto annexed and marked as **EXHIBIT 'A'(Colly.)** are the copies of the correspondences made by the Petitioners to the office of Respondent Nos.4 to 7 and Respondent Nos.14 and 15.

9. The Petitioners further state and submit that the Respondent Nos.8 to 13 started coercive recovery despite the said order passed by this Hon'ble Court dated 21.03.2014 and 28.03.2014 in the above mentioned P.I.L., from the farmer namely Dashrath Eknath Mane, resident at Bawada, Tal. Indapur, District : Pune and thereby attached the land bearing Gat No.886 situated in Bawada village, Tal. Indapur, District : Pune and auctioned the same hurriedly on 29.03.2014 despite the said order, therefore the Respondent Nos.1 to 3 are also concerned and aware about the said fact that this Hon'ble Court has passed the order thereby directed to the Respondents therein that no coercive action for recovery of the loan against affected farmers should be taken at the hands of Respondents, however even the knowledge of the said order the officer and the in-charge of Respondent Nos.8 to 13 miserably failed and neglected to obey the said order and with a deliberate intention auctioned the property agricultural land

of Shri Dashrath Ekanath Mane from village Bawada, who is hailstorm affected farmer from the said area. The said recovery is coercive and the officers of Respondent Nos.8 to 13 more particularly are involved and are responsible for the said coercive recovery and have thus committed the contempt of this Hon'ble Court and auctioned the said property on 29.03.2014. Petitioners therefore state that the Respondent Nos.8 to 13 thus have committed a contempt of this Hon'ble Court and should be punished in accordance with law and immediately the auction and the further proceedings of auction should be set aside in the interest of justice and the land should be restored in the name of Shri Dashrath Eknath Mane and should be directed to cancel the sale certificate if any taken by the purchaser in the said auction in the interest of justice. Hereto annexed and marked as **EXHIBIT 'B' (Colly.)** are the copies of statements of accounts, 7/12 extract etc.”

6. The averments reproduced hereinabove, by itself are vague and do not spell out as to how and in what manner the respondents have committed breach of the orders dated 21st March, 2014, 28th March, 2014 and 16th April, 2014 passed by the Division Bench of this Court in the aforesaid PIL. There is no material brought on record to show as to when coercive measures/steps were taken by the respondents and the nexus between the coercive action and the suicides. Bald statements without any

material particulars in support of the alleged breach/contempt, does not warrant any action as against the respondents, under the Contempt of Courts Act, 1971.

7. Accordingly, the petition being devoid of merit is rejected.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)