

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 463 OF 2013**

Nitin Madhukar Nandgaonkar	...Petitioner
Versus	
State of Maharashtra & Ors.	...Respondents

Mr. Manoj Kumar Kondekar with Mr. Nitesh V. Bhutekar for the Petitioner

Mr. N. P. Deshpande, A.G.P for the Respondent Nos. 1 to 3

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

FRIDAY, 12th JUNE, 2015

P.C. :

1. Heard learned Counsel appearing for the petitioner.

2. The substantive prayer in this petition under the Contempt of Courts Act, 1971 is for taking action under the said Act against the respondents for committing willful breach of judgment and order of the Apex Court.

3. Apart from the fact that the learned Counsel appearing for the petitioner is unable to satisfy us that this Court can punish a contemnor for

committing civil contempt of the order of the Apex Court, propriety requires that the petitioner should move the Apex Court for appropriate relief and only if a leave is granted by the Apex Court permitting this Court to take action, this Court can proceed to take action. Therefore, we are not inclined to entertain this petition.

4. Learned Counsel appearing for the petitioner relies upon a decision of Allahabad High Court in the case of ***Pushpendra Pal Singh v. Dev Raj Pandey & Ors.***¹. This was a case where after finding that the respondents had committed the breach of the directions contained in the well-known decision of the Apex Court in the case of ***D. K. Basu v. State of West Bengal***² that the Allahabad High Court directed action to be taken. Perhaps, this was done in the light of the specific directions issued by the Apex Court in the case of *D. K. Basu*, itself.

5. The learned Counsel appearing for the petitioner, at this stage, submits that a relief be granted in terms of prayer clause (b). The prayer for grant of said substantive relief cannot be considered in this contempt

1 1999 Cr. L. J. 3706

2 1997 Cr. L. J. 743

petition. The petitioner is granted leave to take out appropriate proceedings in that behalf.

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

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)