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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.26 OF 2015**

Shri Ashok Bajirao Khade and Anr.

... Petitioners

Vs.

State of Maharashtra,
through Principal Secretary

... Respondents

Ms. Jaya Misal i/by Mr. Ashish Mehta, for the Petitioners.
Mrs. M.P. Thakur, AGP, for the Respondent No.1.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 9th FEBRUARY, 2015

PC.

. Heard the learned counsel appearing for the Petitioners.
The learned counsel appearing for the Petitioners seeks time to file a rejoinder.

2. In this Contempt Petition, the breach is alleged of the directions contained in paragraph 4 of the Judgment and Order dated 11th July, 2014 passed by this Court in PIL No.113 of 2014. There is an affidavit filed by Shri Jaysingrao N. Patil, the Deputy Secretary to the Government, Urban Development Department, Mantralaya, Mumbai. To the said affidavit, a copy of the notification dated 15th January, 2015 has been annexed.

3. Thus, a decision has been taken now by the State Government which ought to have been taken on or before 31st October, 2014. There is a delay of about 2 ½ months. In paragraph 2 of the affidavit of Shri Jaysingrao N. Patil, an apology has been tendered to this Court for the delay.

4. As far as the issue of contempt is considered, it is a matter between the Court and the alleged Contemnors. Therefore, there is no reason to grant time to the Petitioners to file a rejoinder. Considering what is stated in the affidavit and considering the apology tendered, it cannot be said that there is any willful disobedience of the orders of this Court. Hence, no case is made out for initiating actions under the Contempt of Courts Act, 1971 against the Respondents. The Petition is accordingly disposed of. We, however, make it clear that the issue of legality and validity of the decision/ notification dated 15th January, 2015 is kept open. If the Petitioners are aggrieved by the said decision, they can always challenge the same in accordance with law.

(A.K. MENON, J)

(A.S.OKA, J)