

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.59/2015 IN W.P. NO. 3204/2014 (D)
(BHAIYYALAL MAHADEO KUMBHARE VERSUS ABHISHEK KRISHNA, THE COLLECTOR,
NAGPUR & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Sahare, counsel for the petitioner.
Shri A.M. Sudame, counsel for the R-2 to 4.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : APRIL 24, 2015.

By this petition, the petitioner seeks action against the respondents for willful disobedience of the direction in Writ Petition no.3204 of 2014.

It is stated on behalf of the petitioner that despite the direction to the respondents to decide the representation made by the petitioner within a period of four weeks, the respondents have not decided the representation for construction of a well under the Mahatma Gandhi Rural Employment Scheme.

The respondents have filed the submissions and have also filed a civil application for dismissal of the petition. It is brought to the notice of this Court by the civil application and affidavit-in-reply that after the representation of the petitioner was received, the opinion was sought from the State Government whether the construction of well could be permitted on the field of the petitioner. Since the respondents did not hear anything from the State Government in the matter, it was conveyed to the petitioner by an order dated 22.12.2014 that the prayer made in the representation cannot be granted as there was already a well in the field of the petitioner. It is stated that after the order dated 22.12.2014 was passed and the decision in the matter was taken,

the State Government also informed the respondents by the communication 20.01.2015 that the decision of the respondents not to permit the construction of the well in the field of the petitioner was correct as there was already a well in the field of the petitioner and the benefit of construction of well could be granted to some other needy person.

On hearing the learned counsel for the parties and on a perusal of the affidavit-in-reply, we find that no action can be initiated against the respondents under the Contempt of Courts Act, 1971. We do not find that the respondents have in any manner disobeyed the order in Writ Petition No.3204 of 2014. If the petitioner is aggrieved by the order of the Block Development Officer, Panchayat Samiti, Saoner, the petitioner has other remedies.

In view of the aforesaid, we dismiss the contempt petition with no order as to costs. Civil Application (N) No.33 of 2015 also stands disposed of.

JUDGE

JUDGE

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