

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.200/2015

IN

WRIT PETITION NO.4934/2012 (D)

Deegee Infracon Pvt. Ltd., Amravati through its Director

...Versus...

Shri Surendra Kambade, Assistant Director Town Planer Municipal Corporation,
Amravati

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

Court's or Judge's orders

Shri G.K. Mundhada, Advocate for petitioner
Shri S.S. Shingane, Advocate for respondent

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 21.12.2015

By this contempt petition, the petitioner seeks action against the respondent for wilful disobedience of the directions in the judgment dated 12.4.2013 in Writ Petition No.4934/2012.

According to the petitioner, though the petitioner had applied under Section 44 of the Maharashtra Regional and Town Planning Act, 1966 in the year 2013, the respondent has not issued a commencement certificate to the petitioner under Section 45 (2) of the Act of 1966.

On hearing the learned Counsel for the parties, we find that the contempt petition is filed by the petitioner merely

with a view to threaten the respondent. By the judgment dated 12.4.2013 we had only declared that the reservation of the land of the petitioner stood lapsed, in view of the provisions of Section 127 of the Act of 1966. There is no consideration and there is also no direction to the respondent to consider any application of the petitioner under Section 44 of the Act of 1966 or grant a commencement certificate under Section 45 of the Act of 1966. We fail to understand why the contempt petition is filed by the petitioner. The only reason may be that the petitioner is desirous of intimidating the respondent so as to seek the issuance of the commencement certificate under Section 45 of the Act of 1966.

Since the judgment of which the contempt has been alleged has nothing to do with the grant of commencement certificate under Section 45 of the Act of 1966, we dismiss the contempt petition with costs.

JUDGE

JUDGE

Wadkar