

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

14 CONT. PETITION NO. 116 OF 2015
IN WP/209/2015

JALINDAR SADASHIV HIRDE AND OTHERS
VERSUS
THE DISTRICT SUPERINTENDENT OF LAND RECORDS,
AHMEDNAGAR AND OTHERS

Shri. Nitin V. Gaware, Advocate, for petitioners.

Shri. S.N. Kendre, Advocate, for respondent No.1.

Shri. P.N. Khedkar, Advocate, for respondent Nos.4 to 6.

CORAM: T.V. NALAWADE, J.

DATE : 22 AUGUST 2016

ORDER:

1) The petition is filed for taking action against respondent Nos.4 and 6 for the breach of order made by this Court on 12-1-2015. Writ Petition No.209/2015 was filed to challenge the order of correction made by the authority under the provisions of the Prevention of Fragmentation and Consolidation of Holdings Act. It appears that in the petition this Court made order on 12-1-2015 and directed to maintain status quo with regard to the record. It is the case of the petitioner that he had

informed about the making order by this Court to the authority on 14-1-2015. Copy of the said representation is produced on the record. It appears that on 16-1-2015 again representation was made and along with the representation copy of the order made by this Court was supplied.

2) On the other hand it is the case of the respondent Nos.4 and 6 that the order was already made and to implement the order, correspondence was made by the authority and this order was received on 14th January 2015 itself. It is contended that, the record was changed by making mutation and the communication from the present petitioner was received after making of mutation.

3) It appears that the petition was ultimately disposed of as withdrawn and liberty was given to the petitioner to challenge the order made by the authority under the aforesaid Act before the appropriate forum as provided in the said Act. It is the contention of the petitioner that on 14th January 2015 he had communicated the order but it is the contention of the

respondents that on 14th January 2015 effect was given to the order made by the superior officer and no contempt is committed. It appears that mutation was entered on 15th January 2015.

4) Though there are aforesaid circumstances this Court holds that it is not desirable to take action as against the respondents as the petition was withdrawn and the proceeding was also not filed before the appropriate forum. There was already order of the competent authority in existence and action of the respondents was only of the compliance of the said order. The said order was under challenge in the said petition. The contempt petition is disposed of.

Sd/-
(T.V. NALAWADE, J.)