

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

CONTEMPT PETITION NO.381 OF 2016
IN
WRIT PETITION NO.11995 OF 2015

**Satish S/o Deorao Gaike and another Vs. The State of
Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.V.D.Sapkal, advocate for the petitioner.
Mr.A.B.Girase, Government Pleader for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 21.09.2016.

PER COURT :

1. Heard.
2. Mr.Sapkal, learned counsel submits that the Respondent State issued a notification of constituting Nagar Panchayat Newasa. The same was assailed by the present petitioners by filing Writ Petition No.11995/2015. Under its order dated 5.4.2016, this Court set aside the said notification, thereby restoring the Gram Panchayat. The petitioners approached the authorities, however, no steps were taken for handing over the Gram Panchayat to the elected members. The Administrator continued. The learned counsel submits that when a judicial order has been passed by this

Court, the Respondents were duty bound to abide by the same. On the contrary, the Respondents have flouted the said judgment and order. The Respondents have not shown any regard to the orders passed by this Court. It is only after filing the Contempt Petition, belatedly on 26.8.2016, the charge is handed over to the elected Members of the Gram Panchayat. The Respondents have not shown any respect to the majesty of law. The Respondents have willfully and deliberately avoided to comply the orders passed by this Court and are guilty of contempt. Stern action deserves to be taken against the Respondents. According to the learned counsel, there was no necessity for the Collector to communicate with the State Government. The State Government itself was a party before this Court and was very much aware of the judgment and order of this Court. Just because the Respondents are holding high office, they can not be allowed to flout the orders of this Court.

3. Mr.Girase, learned Government Pleader for the Respondents submits that the Tahsildar and Collector both have filed affidavit before this Court and have tendered their unconditional apology. The learned Government Pleader further submits that the Respondents at no point of time had any intention to flout the orders of the Court. The Respondents have highest regard to the orders passed by this Court. Immediately after the judgment was delivered, the Collector had communicated with the Government,

bringing it to the notice of the Government that now Tahsildar can not remain as an Administrator. The Government should resolve the issue. He had also sought guidance from the Government that as to whether the Gram Panchayat should be allowed to be run by the Members who were elected at the time of constituting Nagar Panchayat or the Administrator should handle the said Gram Panchayat and the Collector was awaiting directions from the Government.

4. We have considered the submissions. This Court had allowed Writ Petition No.11995/2015 under its judgment and order dated 5.4.2016, thereby setting aside the notification constituting Nagar Panchayat, Newasa. The necessary consequence of quashing the said notification is that the Gram Panchayat remained in existence and the democratically elected members of the Gram Panchayat are entitled to function as members of the Gram Panchayat. When a judicial order has been passed by this Court, there is hardly anything that the Officers would decide. The order of this Court was never assailed before the Apex Court, it had become final. There was no impediment for the authorities to implement the said orders passed by this Court. The Respondents-authorities are required to comply the orders of this Court scrupulously without any demur. Any disrespect to the majesty of law certainly can not be tolerated. It would appear that in

correspondence only, for four (4) months, the democratically elected body was kept out of office. At least a person of a rank of Collector should understand the orders passed by this Court and consequences arising thereof.

5. We have gone through the affidavit-in-reply filed and the communications made. It appears that the authorities are trying to pass the buck to others. In fact, greater efficiency is expected from the Executives.

6. It is found that the order is not implemented immediately and the same is implemented only after the contempt petition is filed. However, going through the entire affidavit and the documents, it appears that it is not the case of willful and intentional disobedience of the orders of this Court. The unconditional apology have been tendered in the affidavit-in-reply.

7. Considering the above, we accept the unconditional apology tendered by the authorities. Hence-forth the Respondents shall scrupulously adhere to the orders passed by this Court and implement it without any delay.

8. The Contempt Petition is disposed of with aforesaid observations. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.21.09.2016.
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