

Gulab Vitthal Parkhe and another Vs. Bhagwan Rambhau Sonawane and others	...	Applicants Respondents
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Mr. Sanjiv A. Sawant for Applicants.
Ms Vrushali Nimbalkar, AGP for Respondent No.9-State.
Mr. A. I. Patel for Respondent No.10-State.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 25, 2016

P.C. :

Heard Mr. Sawant, learned Counsel for applicants, Ms Nimbalkar, learned AGP for respondent No.9 and Mr. Patel, learned AGP for respondent No.10.

2. This Contempt Petition is filed alleging breach of order dated 09.12.2011 passed by this Court (Coram : R. M. Savant, J.) in Civil Application No.2432 of 2011 in Writ Petition No.4585 of 2011. By that order, this Court allowed the Civil Application in terms of prayer clause (a) and modified the interim order dated 01.08.2011 passed in that Petition to that extent. Prayer clause (a) of Civil Application reads as under:

“(a) This Hon'ble Court be pleased to restrain the Respondents (Orig. Defendants) from interfering with the possession of the Petitioners with respect to the Gat No.113/1 Gat No.113/2 at Village Nimgaon Tarphe, Taluka Junnar, District Pune i.e. suit lands mentioned in R.C.S.No.164 of 2007 pending before C.J.J.D. Junnar.”

3. Mr. Sawant submitted that this Court issued injunction restraining respondents (original defendants) from interfering with possession of the

petitioners with respect to Gat No.113/1, Gat No.113/2 at Village Nimgaon Tarphe, Taluka Junnar, District Pune, which are suit lands in R.C.S.No.164 of 2007 pending before the Court of Civil Judge, Junior Division, Junnar. Despite that order, respondent No.10 – Tahsildar, Junnar, Taluka Junnar, District Pune issued communication dated 07.03.2014 to the Police Inspector, Junnar asking to ensure that petitioners do not cause any obstruction to Mr. Sonawane while transporting the sugarcane crop from the suit land for a period of one year.

4. Ms Nimbalkar submitted that respondent No.10 – Pralhad Nana Hiramani has made affidavit dated 07.12.2015. Along with that affidavit, he has annexed communication dated 12.03.2014 addressed by him to the Police Inspector, Junnar. She also invited my attention to paragraph 4 of the affidavit and submitted that the communication dated 07.03.2014 is cancelled by communication dated 12.03.2014. She, therefore, submitted that as the respondents have cancelled communication dated 07.03.2014 and have tendered unconditional apology, no action be taken against respondents No.9 and 10.

5. I have considered the rival submissions made by the learned Counsel appearing for the parties. It is evident that communication dated 07.03.2014 is cancelled by subsequent communication dated 12.03.2014. It is also evident that the communication dated 12.03.2014 is not challenged by anybody. In view thereof as also having regard to the fact that the respondents have tendered unconditional apology, in my opinion, this is not a fit case for initiating contempt proceedings.

6. Accordingly, Contempt Petition is disposed of.

(R. G. KETKAR, J.)