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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1301 OF 2015
IN
SECOND APPEAL NO.190 OF 2012

Shivendra N. Patankar

...Applicant

IN THE MATTER BETWEEN :

The Chief Executive Officer,
Zilla Parishad, Kolhapur & Anr.
V/s.

...Appellants

Shivenda N. Parankar & Ors.

...Respondents

Mr.Vijay Killedar for the Applicant.

Mr.S.R. Nargolkar for the Respondent No.1 – Zilla Parishad,
Kolhapur.

CORAM : R.D. DHANUKA, J.
DATE : 8TH JANUARY, 2016.

P.C. :-

1. In this civil application, it is the case of the applicant that though the State Government has offered an alternate land to the applicant in lieu of the land which is the subject matter of Second Appeal No.190 of 2012, the State Government is however not processing the said proposal in view of the pendency of this second appeal. Learned counsel for the applicant invited my attention to the order dated 12th August, 2013 passed by R.M. Savant, J. in Civil

Application No.760 of 2010 while granting *ad-interim* order in the said civil application in favour of the original appellants thereby making it clear that the said order would not come in the way of the applicant for considering the allotment of alternate land.

2. Learned counsel for the applicant in this civil application states that though this Court has already clarified that grant of interim stay in Civil Application No.760 of 2010 would not come in the way of the respondents from being considered for allotment of alternate land, the respondents are not processing the proposal of allotment of alternate land in favour of the applicant.

3. It is once again made clear that the *ad-interim* order granted by this Court in Civil Application No.760 of 2010 would not come in the way of the respondents from considering the allotment of alternate land in favour of the applicant. It is also made clear that if the applicant is otherwise eligible to be allotted an alternate land, the respondents shall not reject that proposal on the ground that interim protection is granted by this Court in Civil Application No.760 of 2010 in favour of the Chief Executive Officer. If it is noticed by this Court that inspite of the clarification issued by this Court in the order dated 12th August, 2013 and by this order, the State Government is not processing the proposal for allotment of alternate land to the applicant on the ground of pendency of the second appeal or on the ground of

interim order as aforesaid, appropriate action under Contempt of Court Act would be initiated against the State Government or the concerned officers of the Government.

4. The civil application is accordingly disposed of in aforesaid terms. No order as to costs.

5. Parties as well as the State Government to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)