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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 97 OF 2014

Naresh Sitaram Patil & Ors.

...Petitioners

Vs.

Manu Kumar Srivastav

Principal Secretary

Urban Development Department & Ors.

...Respondents

Mr. C.G. Gavnekar, Advocate for the Petitioners

Mr. A.B. Vagyani, AGP for the State

Mrs. M.P. Thakur, AGP for the State

Mr. N.N. Bhadrashete, Advocate for Respondent No.2

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED : 21ST DECEMBER, 2016

P.C. :

The Respondent Mr. Manu Kumar Srivastav, the then Principal Secretary, Urban Development Department, Mantralaya is present in Court. He now holds charge of Principal Secretary (Revenue), Revenue and Forest Department, Government of Maharashtra, Mantralaya, Mumbai. The contemnor had filed affidavit sworn on 10th September, 2014.

2. The learned Government Pleader has presented additional

affidavit sworn by the Principal Secretary, which is taken on record. We have perused both the affidavits. The Principal Secretary has explained circumstances and has explained the reasons for non-compliance of the order passed by this Court.

3. The Principal Secretary had also tendered apology to this Court. We have also perused the affidavits filed by both the Chief Officers.

4. The Government Pleader assures that at the State level necessary instructions should be issued for prompt compliance of the Court orders. We expect the Principal Secretary, Law and Judiciary to look into these aspects as the same interference in process of dispensation of justice.

5. The State Government shall take necessary steps to avoid unnecessary delays in compliance of Court orders.

6. The Government Pleader submit that some steps were already taken earlier and a scheme had also been approved. The

Government Pleader assures that the State Law and Judiciary Department and the Government Pleader's office would again look into the issues.

7. Unfortunately after contesting the litigation for near about 23 years the Petitioner had to initiate contempt proceedings for getting the order implemented and complied with.

8. The Government Pleader had assured this Court that within couple of days necessary notification will be issued as directed by this Court. In the facts we would accept the explanation tendered by the Principal Secretary. The Chief Officer of the concerned Municipal Council would take precautions and be vigilant in future in respect of compliance of Court orders.

9. We accept the apology tendered by the Principal Secretary and the Chief Officers.

10. The Contempt Petition is disposed of.

11. In case the State fails to comply with the order as stated by the Government Pleader the proceedings of the Contempt Petition will be re-opened.

12. Learned Government Pleader submits that a Government Resolution was issued regarding steps to be taken to comply orders of Court. We direct the State, concerned department to implement such Government Resolutions, strictly. The Government Resolution be placed on record.

13. The Registry to forward copy of this order to the Principal Secretary, Law and Judiciary Department.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)