

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.45 OF 2016

IN

WRIT PETITION NO.5601 OF 2013 [D]

[Shri Chandrashekhar Prabhakar Bhisikar and others .vs. The State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Amol D. Patil, counsel for the petitioners,
Ms. Tajwar Khan, A.G.P. for the respondent no.1,
Shri J.B. Kasat, counsel for the respondent no.2.
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CORAM : SMT. VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATED : FEBRUARY 29, 2016.

By this contempt petition, the petitioners seek action against the respondents for willful disobedience of the order dated 14.2.2014 in Writ Petition No.5601/2013.

According to the petitioners, despite filing an undertaking within a period of one week from 14.2.2014, alternate sites are not offered to the petitioners. It is stated that the petitioners are not able to shift as the alternate site is not offered.

Shri Kasat, the learned counsel appearing on behalf of the respondent no.2 states that the petitioners have not abided with the order dated 14.2.2014 and have mischievously rushed to this Court to seek action against the respondents for willful disobedience of the order dated 14.2.2014. It is stated that the Corporation had offered alternate site to the petitioners at the time of hearing of the writ petition and instead of shifting to the alternate site that was offered to the petitioners, the petitioners filed an undertaking that the petitioner no.1 is ready to shift at a place in any of the 21 Zones or to a place, as directed in the

notice dated 26.4.2012. It is stated that the petitioners have not shifted to the alternate place and by the undertaking, the petitioners have sought to impose conditions in the order dated 14.2.2014.

On a reading of the order of which the contempt is alleged, we do not find that the respondents have violated the order dated 14.2.2014. It appears that the respondent no.2 has removed the encroachment made by the petitioners in terms of the order dated 14.2.2014, specially because the petitioners did not tender an appropriate undertaking in this Court and also did not shift to alternate site. It appears that there is no direction in the order dated 14.2.2014 against the respondents. It is observed in the order dated 14.2.2014 that if the petitioners do not file an undertaking, appropriate steps would be taken by the Corporation against them.

In the aforesaid set of facts, we dismiss the contempt petition, with no order as to costs.

JUDGE

JUDGE