

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

CONTEMPT PETITION NO.189 OF 2015

IN

WRIT PETITION NO.5315 OF 2013 [D]

[Madhukarraoji s/o Rupraoji Adhau .vs. V.U. Malavi, Tahsildar, Morshi, District-Amravati]

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

Court's or Judge's orders

None for the petitioner,
 Shri R.R. Dawda, Advocate for the respondent.

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CORAM : SMT. VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATED : MARCH 02, 2016.

None for the petitioner.

The present Contempt Petition has been filed raising a grievance that the directions issued in the order dated 19.3.2014 in Writ Petition No.5315/2013 to the Tahsildar to decide the application moved by the petitioner for changing the entries in the revenue records has not been decided within a period of four months from the date of appearance of the parties.

In response to the notice before admission issued on 26.10.2015, reply has been filed on behalf of the respondent. It has been stated therein that the proceedings were commenced pursuant to a fresh application dated 2.4.2013, that was moved by the petitioner. For the period from October-2014 and onwards, the respondent was busy in election work. Thereafter, on 6.1.2015, the petitioner filed an application for addition of parties and as the same was allowed, non-applicant nos.11 and 12 were added in said proceedings. It is further stated that the respondent retired from service on 30.6.2015 and till said date

the newly added non-applicants had not been served. It is further stated that till date, the aforesaid non-applicants have not been duly served. It is, therefore, stated that the respondent has not committed any wilful disobedience of the directions issued vide order dated 19.3.2014.

A perusal of the documents filed on record including the order-sheets indicate that by an order dated 6.1.2015, the petitioner had sought to add two more non-applicants. The said non-applicants are still not served in those proceedings. The directions issued in the order dated 19.3.2014 is to decide the application moved by the petitioner as early as possible and positively within a period of four months from the date of appearance of the parties before the Tahsildar. As the parties, who have been added by the petitioner himself, have not been duly served, it cannot be said that there has been any wilful disobedience of the aforesaid directions. Hence there is no case to initiate action against the respondent. The proceedings are accordingly dropped. The contempt petition is disposed of. No costs.

However, considering the order dated 19.3.2014 passed in Writ Petition No.5315/2013, the Tahsildar is expected to take necessary steps to decide the proceeding expeditiously in accordance with law.

JUDGE

JUDGE