

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

CONTEMPT PETITION NO.153/2016

IN
WRIT PETITION NO.4587/2014 (D)

Pramod s/o Bhagwatprasad Murarka

...Versus...

Shri Pramod Vasant Bidwaik, the Secretary, Gram Panchayat Nalwadi, Tah. and
Distt. Wardha

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

Court's or Judge's orders

Mrs. Anjali A. Joshi, Advocate for petitioner
Shri A.S. Kilor, Advocate for respondent

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 24.06.2016

By this contempt petition, the petitioner seeks an action against the respondent for the wilful disobedience of the directions in the order, dated 6.4.2015 in Writ Petition No.4587/2014.

It is stated on behalf of the petitioner that though this Court had by the order, dated 6.4.2015 directed the respondent no.4 in the said writ petition, that is, the respondent herein to decide the application made by the petitioner, within a period of four weeks, the respondent has not decided the same on the ground that he does not have jurisdiction to do so. It is stated that the respondent has referred the matter to the Town Planner after a period of four weeks and there is deliberate disobedience of the order.

On hearing the learned Counsel for the parties, we do not find that the contempt petition should be proceeded with, any longer. If the respondent is of the view that he does not have jurisdiction to decide the application of the petitioner, either the respondent or the petitioner are at liberty to take up appropriate proceedings to modify the order of which the contempt is alleged. Merely because the respondent had submitted the concerned documents and application to the Towner Planner after a period of four weeks, it cannot be said that the inaction was deliberate and intentional and with a view to lower the image of the Court.

In view of the aforesaid, the contempt petition stands disposed of. The parties are at liberty to take appropriate steps. No order as to costs.

JUDGE

JUDGE

Wadkar