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

**CONTEMPT PETITION NO.129 OF 2017
IN
CIVIL WRIT PETITION NO.11667 OF 2015**

Bandu Shivappa Mohite & Ors.	... Petitioners
vs.	
The State of Maharashtra & Ors.	...Respondents

Mr. Datta Pawar for the petitioner.
Mr. A. A. Alaspurkar, AGP, for the respondent-State.

**CORAM : A.S.OKA, &
A. K. MENON, JJ.**

DATE : 3RD MAY, 2017

PC.

1. We have perused the averments made in the petition. The breach alleged is of an ad-interim order dated 27th November, 2015 in Writ Petition No.11667 of 2015. The ad-interim relief granted in the said writ petition filed by the petitioners was in terms of clause (4) of the order dated 27th November, 2015. Clause (4) of the order reads thus:-

“If the order dated 7 October, 2013 (Exhibit C to the petition) is still operative, we direct that no action of dispossession shall be taken by the respondents in respect of the acquired land till the next date.”

2. In paragraph 16, the petitioners have stated that by the order dated 27th November, 2015 this Court restrained the respondents

from taking any further action. In fact that is not the order passed by this Court on 27th November, 2015. The order is specific which says that the action of dispossession shall not be taken by the respondents in respect of the acquired land till the next date. The only allegation of breach is in paragraph 17. According to the petitioners, the breach is committed by the respondent no.4 by making a mutation entry and by entering the name of the State Government in the record of rights.

3. Under the order dated 27th November, 2015 there was no restraint imposed on the respondents which prevented them from making a mutation entry. It is not the case of the petitioners that they have been dispossessed after the said order was passed by this Court.
4. Hence, no case is made out for initiating an action under the Contempt of Courts Act, 1971. The petition is, accordingly, disposed of.

(A. K. MENON, J.)

(A. S. OKA, J.)