

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.262 OF 2015

Maruti Sakharam Balkawade.] ... Petitioner

Versus

The Collector, Pune & Ors.] ... Respondents

Mr. Manoj Patil i/b Mrs. Suman Lengare for Petitioner.

Mr. P. P. Kakade, AGP for State.

**CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.**

DATE :- 9 MARCH, 2017

P. C. :-

1. The order dated 26th February 2014 reads as under :-

“Heard the learned counsel appearing for the Petitioner and the learned AGP for Respondents. The case made out by the Petitioner is that an area of 39.15 Ares out of the land admeasuring 554 situated at Village Yenve, Taluka Khed, District Pune held by the Petitioners was acquired for the purposes of Kalmodi Project. The Petitioner is relying upon the certificate dated 29th June, 2012 issued by the Deputy Collector (Land Acquisition) No.4, Pune in which it is recorded that our of the

compensation amount of Rs.27,347/- awarded to the Petitioner, a sum of Rs.11,072/- was deducted.

2. The grievance made in the Petition is that though the Petitioner made an application on 18th June, 2013 for allotment of a land for his rehabilitation, the said application is still kept pending.

3. On 22nd January, 2014, we had directed the third Respondent to file a reply, but the reply has not been filed. Therefore, this Court will have to proceed on the footing that the averments made in the Petition that the application made by the Petitioner is still pending are true and correct. Hence, we dispose of the Petition by passing the following order :-

- (i) We direct the Petitioner to appear before the District Resettlement Officer, Pune, on 19th March 2014 at 11.00 am. The Petitioner shall produce a true copy of the application dated 18th June 2013 along with an authenticated copy of this order;
- (ii) The application made by the Petitioner shall be decided by the District Resettlement Officer as expeditiously as possible and in any event, within a period of three months from 19th March, 2014;
- (iii) All contentions on merits are kept open;
- (iv) Petition is disposed of on above terms.”

2. Apparently, the application referred to in the said direction is at Exh.C, page 19 of the papers. According to the petitioner, though allotment of 40 Ares of land in the same survey number is made, original owner has come up with a claim on the very same land.

3. In terms of definition of 'Contempt', it is very clear that there has to be willful disobedience of directions of the Court in order to take action against the contemnor. Contempt Petitions cannot be treated like execution proceedings. In that view of the matter, if the petitioner is not satisfied with the allotment, be in respect of measurement or the claim of third party, according to us, it is altogether a different cause of action and the same cannot be entertained in Contempt Petition. We find no willful disobedience on the part of the respondents since direction to consider the application dated 18th June, 2013 is considered and disposed of.

4. With the above observations, Contempt Petition is disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)