

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.389/2017
IN
WRIT PETITION NO.4577/2010

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Vinod N. Tayade for the Petitioner

CORAM : K. K. TATED, J.

DATE : DECEMBER 20, 2017

P.C.:

1. Heard. By this Contempt Petition the Petitioner alleged that the Respondent No.1/1 to 1/10 and Respondent Nos.2 to 4 committed contempt of this court by flouting the order dated 13.12.2010 passed by this court in Writ Petition No.4577/2010.

2. The learned counsel for the Petitioner, in support of his contention also relies on paragraph 4, 9 and 10 of the Affidavit-in-Reply filed by Prashant Ganpat Joshi, Tahasildar, Ambernath, Dist. Thane in Contempt Petition No.247/2016 in Writ Petition No.4577/2010. He also relies on 7/12 extract of Gut No.37 and record of rights - Form No.6 (Exhibit- M and N). He submits that on

the basis of these facts, it is crystal clear that the Respondents have committed contempt of court by not following the order dated 13.12.2010 passed by this court in Writ Petition No.4577/2010.

3. The learned counsel for the Petitioner submits that it is not necessary to place on record the order dated 03.10.1972 passed by the Additional Tahasildar and Agricultural Lands Tribunal, Ulhasnagar on the basis of above submission.

4. It is to be noted that in the present proceedings the main contention of the Petitioner is that the Respondents have flouted the order dated 13.12.2010 passed by this court in Writ Petition No.4577/2010, which reads thus:

“1. Rule

2. During the pendency of the petition, the parties will abide by the order dated 03.10.1972 passed by the Additional Tahasildar and Agricultural Land Tribunal, Ulhasnagar.”

5. In this order, it is specifically stated that the parties to abide by the order dated 03.10.1972 passed by the Tahasildar. Unless and until the order dated 03.10.1972 is placed on record, it is not possible for this court to entertain the present

Contempt Petition.

6. Hence, the Contempt Petition stands rejected on the ground that the Petitioner has failed and neglected to place on record a copy of order dated 03.10.1972 passed by the Tahasildar as referred in order dated 13.12.2010 in Writ Petition No.4577/2010.

JUDGE