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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CONTEMPT PETITION No. 132 of 2017  
IN  
WRIT PETITION No. 2197 of 2015.

Santosh Tukaram Lokhande ..Petitioner  
Vs  
Shri Mannukumar Srivastava & Ors ..Respondents.

ALONG WITH  
CONTEMPT PETITION No. 176 of 2017  
IN  
WRIT PETITION No. 2195 of 2015.

Khandu Mahadu Nalekar ..Petitioner.  
Vs  
Shri Manu Kumar Srivastava & Ors ..Respondents.

Mr. G.R. Agrawal for the petitioner.  
Ms. R.A. Salunkhe, A.G.P. for the State.

**CORAM: NARESH H. PATIL &  
SMT. BHARATI H.DANGRE, JJ.**  
**DATE : 23<sup>rd</sup> June, 2017.**

P.C.

- 1) Heard learned Counsel for the respective parties.
- 2) An affidavit-in-reply is filed by Manu Kumar Srivastava, Principal Secretary (Revenue), Government of Maharashtra, Revenue & Forests Department, Mantralaya, Mumbai dated 23<sup>rd</sup> June, 2017 in Contempt Petition No. 132 of 2017. A copy of the said affidavit is served

on the other side. The Contempt Petition No. 176 of 2017 is filed by the petitioner Khandu Mahadu Nadekar. It is alleged in both the contempt petitions that Respondent No.1 failed to comply with the directions passed by this Court on 1<sup>st</sup> April, 2015 in group of petitions being Writ Petition No. 2183 of 2015 and others. One of the directions was as per clause 4(ii) of the Order dated 1<sup>st</sup> April, 2015 which reads thus :

(ii) "If the proposals annexed as Exh-A to the petitions submitted by the Divisional Commissioner, Nashik are still pending before the State Government, the State Government shall take appropriate decisions on the said proposals in accordance with law within a period of three months from the date on which an authenticated copy of this order is produced by the petitioner before the State Government."

Today, Mr. Manu Kumar Srivastava, Principal Secretary, (Revenue) Government of Maharashtra, has filed affidavit-in-reply sworn by him in Contempt Petition No. 132 of 2017. In Paragraph Nos. 8 and 9 deponent has contended as under :-

"8. I say and submit that the revised proposal was scrutinized and resubmitted on 19/6/2017 to the Hon'ble Revenue Minister for orders. Accordingly, decision was taken on the said proposal with the approval of the Hon'ble Revenue Minister and appropriate orders were issued and conveyed to the concerned authorities on 21.6.2017 for necessary action. Hereto annexed and marked as Exhibit-A is a copy of the said letter dated 21.6.2017 of the office of the answering Respondent.

9. I respectfully say and submit that owing to the change in the purpose of land transfer by the petitioner, the proposal had to be reprocessed in accordance with the changed purpose. Thus, the final decision was delayed. I say that the answering respondent has now complied with the order dated 1<sup>st</sup> April, 2015 passed by this Hon'ble High Court in the above mentioned Writ Petition, though there has been delay in compliance which is deeply regretted. I respectfully submit that the delay observed in deciding the proposal of the petitioner is neither intentional nor deliberate. I respectfully submit that there is no malafide intention on the part of the respondent authorities to delay the decision on the said proposal. I offer my unconditional apology for the delay in complying with the order dated 1<sup>st</sup> April, 2015 of this Hon'ble High Court."

3) Learned Counsel appearing for the petitioners submits that the said Authority ought to have acted diligently in accordance with the directions issued by this Court and could have avoided delay to comply the order of this Court. Learned Counsel has referred to the contentions raised by the deponent in the affidavit-in-reply.

4) We have perused the record. The respondent-contemner could have taken effective steps diligently to comply with the order passed by this Court. The deponent had explained the delay in complying with the directions issued by this Court in the affidavit-in-reply. We expect that in future necessary steps should be taken by the deponent for prompt and effective compliance of the orders passed by this Court. The deponent states that decision has been taken by the

State Government on 21<sup>st</sup> June, 2017. A copy of which has been placed on record.

5) Learned A.G.P. submits that in respect of the petition filed by Khandu Mahadu Nadekar, a decision has been taken by the Government on 23<sup>rd</sup> June, 2017, a copy of which has been placed on record of this Court which is addressed to the Collector, Nashik. Learned Counsel for the petitioners submits that the petitioners be given liberty to resort to appropriate remedy, if they are aggrieved with the decision adopted by the State Government. The petitioners are at liberty to resort to the remedies as permissible in law.

6) In view of the above observations, we dispose of the contempt petitions accordingly.

**(SMT. BHARATI H. DANGRE,J) (NARESH H.PATIL,J)**