

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

**CIVIL APPLICATION NO. 2934 OF 2016
IN
WRIT PETITION NO. 9352 OF 2016**

Anandrao Narsu Patil & Anr. .. Applicants

In the matter between

Anandrao Narsu Patil & Anr. .. Petitioners

v/s.

Jankibao Bapu Patil (Since deceased)
through LRs & Ors. .. Respondents

Mr. I.M. Khairdi for the applicant / orig. petitioner
Mr. Shaheed Ansari for respondent no.1
Mr. S.D. Rayrikar, AGP for respondent nos. 4 and 5

**CORAM : M.S. SANKLECHA, J.
DATED : 21st NOVEMBER, 2017**

P.C.

1. On 14th November, 2017, the following order was passed :-

“1. On 6th November, 2017, the following order was passed by this court :-

“1. This Civil Application has been taken out to bring to the notice of the Court, the alleged contempt committed by the respondent nos. 8 and 9 namely Talathi, Tal. South Solapur and the Circle Officer of Tal. South Solapur, respectively of the order of this Court dated 6th September, 2016.

2. This Court on 6th September, 2016 while adjourning the petition had directed the continuance of the ad-interim relief granted by order dated 23rd August, 2016 directing the parties to maintain status-quo. According

to the petitioner the respondent nos. 8 and 9 disobeyed the order dated 6th September, 2016 directing them to maintain status-quo.

3. The learned Counsel appearing for respondent nos. 4 and 5 states that respondent nos. 8 and 9 are also the Officers of the State Government. Therefore, he will take appropriate instructions from them and also keep them present on the next date. At his request, this Civil Application is kept on board on 14th November, 2017.

4. It is to be noted that the respondent nos. 8 and 9 have been served and yet, no instructions have been given either to the AGP nor are they represented by any other advocate. It is made clear that, no adjournment will be granted on the next occasion.

5. Stand over to 14th November, 2017.”

2. Mr. Rayrikar, learned AGP on instruction states that Respondent No.8 Mr. Rokde, Talathi is present before this court. Mr. Rayrikar, AGP further states that there was no intent to disobey the Court's order dated 23rd August, 2016 directing him to maintain status quo. He points out that the mutation entry was made on 5th September, 2016 by him while the order dated 23rd August, 2016 directing him to maintain status-quo was received by him only after making the entry.

3. Mr. Rayrikar, learned AGP on instruction states that within two days from today that is on or before 17th November, 2017 the status-quo ante as on 4th September, 2016 in respect of mutation entry would be restored in the land records.”

2. Mr. Rayrikar, learned AGP states that both the respondent no.8 Mr. Rokde, Talathi and respondent no.9 Mr. Belbhandare are present in Court. On instructions, he reiterates that there was no intent to disobey the orders of this Court and that the change in mutation

entry was effected on 5th September, 2016 i.e. prior to receiving the order dated 23rd August, 2016 of this Court directing him to maintain status-quo. However, he states that now the status-quo as on 4th September, 2016 in respect of the mutation entry, has been effected by him.

3. Mr. Khairdi, learned Counsel for the applicant – original petitioner on instructions also confirms that necessary correction has been carried out in the land records with regard to the mutation entry restoring the position as existing on the date of the order dated 23rd August, 2016 of this Court.

4. The respondent nos. 8 and 9 are cautioned to be more careful henceforth. This for the reason that when the order dated 23rd August, 2016 was passed by this Court directing the parties to maintain status-quo, the respondent nos. 8 and 8 in this petition were duly represented by the learned AGP. Consequently, the respondent nos. 8 and 9 should not have made any change in the land records without informing themselves of the order passed by this Court. It is expected that respondent nos. 8 and 9 would be

more careful henceforth.

5. However, in the above facts coupled with the apology of respondent nos. 8 and 9, the present Civil Application is being disposed of as infructuous.

(M.S. SANKLECHA, J.)