

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO. 245 OF 2016

IN

WRIT PETITION NO. 1077 OF 2016

(ANIL RAMKRUSHNA DESHMUKH....VS.. KU. SHILPA BOBDE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R.Ingole, advocate for Petitioner.
Shri Bhagwan M. Lonare, A.G.P. for Respondent No.1.
Shri P.S. Patil, Advocate for Respondent Nos. 2(a) to 2(c).

CORAM : Z.A.HAQ, J.

DATED : APRIL 18, 2017.

Heard.

The respondent Nos. 2(a) to 2(c), identified by
their advocate, are present.

The petitioner has approached this Court by this
contempt petition with a grievance that though by the interim
order passed in Writ Petition No.1077 of 2016 on 15th
February, 2016, the possession of the petitioner over the field
in question was protected, the respondents sought to take the
possession.

The respondent No.2(a) filed an application
before the Collector on which notice was issued to the
petitioner intimating him that possession of the field in
question is to be taken over. The petitioner had filed Writ
petition No. 1077 of 2016 which is allowed by the judgment
given on 24th March, 2017 and the application filed by the
respondent No.2(a) on which notice was issued to the
petitioner is dismissed.

The respondent Nos.2(a) to 2(c) and the respondent No.1 have filed their replies explaining the circumstances under which the application was filed by the respondent No.2(a) to 2(c) and the notice was issued by the respondent No.1. The respondents have also tendered unconditional apology.

The explanation given by the respondent Nos. 2(a) to 2(c) and the respondent No.1 is not satisfactory. However, in the facts of the case and as the possession of the petitioner over the field in question is not disturbed, though attempted, I am not inclined to exercise jurisdiction under the Contempt of Courts Act, 1971.

I intended to impose costs on the respondents, including respondent No.1, however, the order to that effect is not passed in the hope that henceforth the respondent No.1 will act with more responsibility in discharging her duties.

The notice of contempt issued to the respondents is discharged. The petition is **disposed** accordingly. In the circumstances, the parties to bear their own costs.

JUDGE