

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

CONTEMPT PETITION NO.228/2016

IN

WRIT PETITION NO.2972/2012

Shailendra S/o Namdeo Patil

..Vs..

Bhanudas S/o Damaji Nanwate and others

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

Court's or Judge's orders

Shri S.K. Pardhy, Advocate for the petitioner.
Shri A.M. Ghare, Advocate for respondent Nos.1 and 2.
Ms. Kalyani Deshpande, A.G.P. for respondent No.3.

CORAM : Z.A. HAQ, J.

DATE : 6.12.2017.

Heard.

The petitioner complains that the respondent Nos.1 and 2 are wilfully disobeying the undertaking given by them to this Court that the plot in question will be allotted to the petitioner as per his turn in the list prepared by the Society and before making offer of allotment of plot to any member senior to the petitioner in the said list, the petitioner will be given an intimation about it and the price at which it is proposed to be allotted. The contention of the petitioner is that he is entitled for the allotment of plot on payment of amount at the rate which prevailed in 1988 or 1996 but the respondent Nos.1 and 2 are demanding amount at the rate of Rs.500/- per Sq. Ft. which is much higher than

the rate prevailing in 1988 or 1996.

The petitioner has filed an application in Writ Petition No.2972/2012 for speaking to minutes, seeking clarification on the point whether the petitioner is entitled to get the allotment of plot at the rate prevailing in 1988 or 1996 or at the rate now fixed by the Society. It is not disputed that the application for speaking to minutes is filed on 24th July, 2017. When this contempt petition was listed on 24th November, 2017 it was pointed out that the petitioner has filed application for speaking to minutes and, therefore, hearing of this contempt petition was adjourned to enable the petitioner to circulate that application. The learned Advocate for the petitioner has submitted that the application could not be circulated.

In the facts of the case, I find that at present there is no reason to take cognizance of the complaint made by the petitioner and to initiate the proceedings under Contempt of Courts Act against the respondent Nos.1 and 2. The contempt petition is **disposed** with liberty to the petitioner to avail appropriate remedy after the orders are passed on the application filed by the petitioner for speaking to minutes. In the circumstances, the parties to bear their own costs.

JUDGE