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Mr A.B. Kale, Advocate for petitioners;
Mr C.S. Kulkarni, A.G.P. for respondent/State
Mr S.S. Patil, Advocate for respondent No.4

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**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 12th JULY, 2018

ORAL ORDER :

Heard Mr. Kale, learned Counsel appearing
for the petitioners.

2. By way of present contempt petition, the petitioners were before this Court submitting that in spite of order passed by the Division Bench of this Court in Writ Petition No. 287 of 2006 dated 22nd February, 2008, the respondents failed to comply with the order and this non compliance is wilful non compliance, as such, action be initiated against the respondents.

3. Our attention was invited to the order passed by the Division Bench of this Court dated

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22nd February, 2008. On 28th June, 2018, Mr. Kale, learned Counsel submitted before us that Municipal Corporation, Jalgaon is not making any serious attempt to comply with the order of this Court. Considering that grievance raised before us, a detailed order was passed by us on 28th June, 2018.

4. Reply is filed on behalf of respondent Nos. 1 to 3.

5. Learned Counsel appearing for respondent No.4 invited our attention to the reply filed by respondent No.4 on 6th July, 2018. He submitted that proposal is forwarded to the District Collector, Jalgaon. Our attention is invited to the annexure-A, which is a copy of the proposal along with an undertaking given by the Commissioner. It is stated in the undertaking dated 4th July, 2018 that the Corporation is ready to deposit amount of 50% as and when directed by the authority before publication of the notice under Section 19 and rest of the 50% amount would be deposited

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before declaration of the award under Section 23 of the Act.

6. Mr. Kale, learned Counsel appearing for petitioners fairly submits that this proposal and undertaking can be said to be genuine attempt by the Corporation to comply with the order passed by the Division Bench of this Court. He submits that only anxiety of the petitioners is, further process may also be done expeditiously. He then submits that if proposal would lie with the State Government for indefinite period, the petitioners would put to a serious prejudice.

7. In view of submissions of Mr. Kale, learned Counsel appearing for the petitioners, we are of the opinion that this apprehension of the petitioners can be taken care by directing respondent - authorities to take steps and complete the proceedings expeditiously and not later than six months from today. It is also stated in the affidavit in reply filed by the Commissioner that

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delay was due to administrative and technical difficulties and this delay was clearly unintentional and was bonafide reasons. Unconditional apology is also tendered by respondent No.4 in the affidavit.

8. Considering all these facts, we are of the opinion that now the order of this Court is complied with and delay caused in the matter was due to certain procedural difficulties. We accept the apology tendered by the respondents.

9. Learned Counsel appearing for respondent No.4 as well as learned A.G.P. submits that henceforth the respondent - authorities would take care and caution to complete the proceedings and comply with the order passed by the Division Bench of this Court dated 22nd February, 2018 within stipulated period i.e. six months from today.

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10. In view of these facts, contempt petition
is disposed of.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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