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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO.729 OF 2018
IN
WRIT PETITION NO.11257 OF 2016**

Shri. Swami Samarth Enterprises,
Wangdari, Taluka Shrigonda,
District Ahmednagar,
Through it's Proprietor
Shri. Aadesh s/o Bhujangrao Nagawade,
Age: 47 years, Occu: Agri. & Business,
R/o: Wangdari, Taluka Shrigonda,
District Ahmednagar

..PETITIONER

VERSUS

1. Mr. Manukumar Shrivastava,
Age: Major, Occu: Service
as Principal Secretary,
Revenue and Forest Department,
State of Maharashtra, Mantralaya,
Mumbai-32
2. Mr. Sanjay Rathod,
Age: Major, Serving as
State Minister for Urban Development
Department, State of Maharashtra,
Mantralaya, Mumbai-32
3. The Collector,
Ahmednagar

..RESPONDENTS

Mr P. N. Khedkar, Advocate for petitioner;
Smt. G. L. Deshpande, A.G.P. for respondent /State

**CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.**

DATE : 10th December, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. The grievance of the petitioner is of non-compliance of the order of this Court, dated 18th November, 2016. In the title clause, the status of respondents shows that there are three respondents in the present contempt petition, namely, the Principal Secretary, the State Minister for Urban Development Department and the Collector, Ahmednagar.

3. On the backdrop of the allegations in the present contempt petition that there is disobedience of the order dated 18th November, 2016, we have gone through the order dated 18th November, 2016, passed by this Court in Writ Petition No.11257 of 2016. The very opening part of the order of this Court reads that the Counsel for the petitioner, on instructions, sought leave to delete respondent No.2 and accordingly leave was granted. A copy of the writ petition is also placed on record. In the array of the respondents in the writ petition, respondent No.2 was the Minister for Revenue and Forest Department, Maharashtra State, Mantralaya, Mumbai.

4. Perusal of the order dated 18th November, 2016 further shows that it was the grievance of the petitioner that an application was filed before the Honourable Minister for implementation of the order and the Honourable Minister heard the matter on 14th September, 2016. A statement was made

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before this Court that if the application is pending, the Honourable Minister would decide the same on its own merits. Accordingly, the Division Bench of this Court was pleased to observe that the Honourable Minister, before whom the hearing had taken place on the application of the petitioner, shall decide the same, if not already decided on its own merits expeditiously and preferably within a period of six weeks from the date of the order. In case of the exigencies, the petitioner was granted liberty to take up appropriate proceedings. The writ petition was disposed of with these directions.

5. Considering the directions of this Court, the directions were to the Honourable Minister, who was deleted from the array of the respondents at the request of learned Counsel appearing for the petitioner. Now, the petitioner is before this Court with a grievance that respondent No.2 - the Minister has failed to comply with the order of this Court.

6. Considering these facts, we are unable to find any reason to entertain the petition. The petition is only on the assumptions of the petitioner and no legal ground is coming forth to entertain the petition. It was orally submitted by learned Counsel for the petitioner that the directions were also to respondent No.1. On repeated reading of the order dated 18th November, 2016 passed by this Court, we could not find any directions issued to respondent No.1 by this Court. As such, we are unable to accept the oral submission of learned Counsel for the petitioner to that effect also. The

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contempt petition being thoroughly meritless, same is dismissed at the threshold.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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