

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.544 OF 2015
IN
WRIT PETITION NO.1178 OF 2014

Swastik Constructions, Kolhapur	...	Petitioner
Vs.		
Ajit Pawar, Additional Collector, Collector Office, Kolhapur & Ors.	...	Respondents/ Contemnors

Mr. Rahul P. Walvekar for the Petitioner.

Mrs. Sushama S. Bhende, A.G.P., for Respondent No.2-State.

CORAM : K.K. TATED &
N.J. JAMADAR, J.J.

DATE : 21ST DECEMBER, 2018.

P.C. :

1. Heard learned counsel for the Petitioner and learned A.G.P. for Respondent No.2-State.

2. This Contempt Petition has been filed by the Petitioner, alleging contempt of the 'Judgment and Order' passed by this Court, [*Coram : A.S. Oka and A.K. Menon, J.J.*], in Writ Petition No.1178 of 2014 on 11th March 2015. The operative portion of the order passed in Writ Petition No.1178 of 2014 reads as under :-

“(i) *Rule is made absolute in terms of prayer clause (b);*

“(ii) *As a consequence of grant of relief in terms of prayer clause (b), the remark in the other rights*

column in 7/12 Extract that the said land is not transferable on the ground of applicability of ULC Act shall be deleted within a period of three months from today;

- (iii) If the sale in favour of the Petitioner is otherwise valid, steps shall be taken to mutate the name of the Petitioner to the Revenue Records in accordance with the provisions of the Maharashtra Land Revenue Code, 1966;*
- (iv) The Petition is disposed off on above terms. There will be no order as to costs.”*

3. The learned counsel for the Petitioner submitted that, the Respondents have complied with Clause Nos.(ii) and (iii) of the aforesaid order. The learned counsel for the Petitioner has invited our attention to the “7/12 Extract” of the land in question, which is produced at page No.45 of the proceedings, wherein there is an endorsement made to the effect that, *“the said land is reserved for 'Garden' in the 'Development Plan' “*. The learned counsel for the Petitioner submitted that, in view of the aforesaid order, the said endorsement is also required to be deleted. He further submitted that the concerned Authorities have already initiated proposal for change in reservation, under Section 37 of the Maharashtra Regional and Town Planning Act, 1966.

4. We have considered the submissions of learned counsel for the Petitioner. On a plain reading of the aforesaid order, it becomes evident that the Respondents have complied with the

order passed by this Court. The submission now sought to be advanced on behalf of the Petitioner that even the reservation is required to be changed in view of the aforesaid order, is not borne out by the order passed by this Court. There is a statutory process for de-reservation of a particular piece of land in the 'Development Plan'. Hence, we find that, in view of the action taken by the Respondents, nothing survives in this Contempt Petition. Hence, the following order :-

“O R D E R”

- (i) The Contempt Petition stands rejected.
- (ii) In the circumstances, there shall be no order as to costs.

[N.J. JAMADAR, J.]

[K.K. TATED, J.]