

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO. 320 OF 2018
IN
WRIT PETITION NO. 556 OF 2016**

Mr. Sunil Bhagwan Koli ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Dr. Prakash K. Deshmukh, Advocate, for the Petitioner.

Ms. Sushma S. Bhende, AGP for Respondent No.1-State.

Mr. Sachindra B. Shetye, Advocate for Respondent No. 3.

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

DATE : OCTOBER 23, 2018.

PC :

1 Heard learned counsel for the parties.

2 By this Contempt Petition, the Petitioner alleges that the Respondent No.2 failed and neglected to comply with order dated 30.01.2017 passed by this court (Coram : Shantanu Kemkar & Prakash D. Naik, JJ.) in writ petition no. 556 of 2016.

3 During the course of arguments, learned AGP appearing on behalf of the State, submits that the Respondent

No.2/Contemnor - Parnita D. Burande is died on 19.10.2018.
Statement accepted.

4 It is the case of the Petitioner that though this court, by order dated 30.01.2017 directed the Respondent - State to proceed further on the basis of the enquiry report submitted and take action in accordance with law, they failed and neglected to do so. Therefore, action be taken against the concerned officers under the Contempt of Courts Act, 1971.

5 On the other hand, learned AGP, appearing on behalf of the Respondents, vehemently opposed the present contempt petition. She submits that in the present proceedings Respondent No.2-Deputy Registrar Co-op. Societies (Fisheries), had filed affidavit-in-reply dated 11.10.2018, stating therein that they have followed due process of law and completed the enquiry. She submits that the State did not find anything in the said report so as to take action against the concerned officers i.e. respondent nos.4 & 5. In support of her contention, learned AGP- Mrs. S.S.Bhende, appearing on behalf of the Respondent – State relies on para nos. 7 and 9 of the affidavit in reply of Respondent No. 2 dated 11.10.2018, which reads thus :

“7. I say that pursuant to the said order dated 10.03.2011, various orders were passed by my office whereby enquiry under Section 83 of MCS Act 1960 was initiated against the Respondent Nos. 4 and 5 and

the said enquiry was completed sometime in June 2016. In the said enquiry report, the enquiry officer had mentioned that the Respondent Nos. 4 and 5 were liable for action and by making proper enquiry, further action be initiated against them. After carefully perusing the said enquiry report, I noticed that no specific allegations / charges/ liabilities were fixed against the Respondent Nos. 4 and 5. A copy of enquiry report was given to the Petitioner and Respondent No. 3 Society.

9. I say that on the basis of two enquiry reports submitted by two independent enquiry officers, it is clear that no specific charges and allegations were made against the Respondent Nos. 4 and 5. Hence, no further action was initiated by me against the Respondent Nos. 4 and 5 in accordance with law.”

6 We have heard both the sides at length. It is to be noted that as per order dated 30.01.2017 passed by this court in writ petition no.556 of 2016, the Respondent No.2, held the enquiry and submitted the report. These facts are stated by Respondent No.2 in the affidavit-in-reply and particularly in para nos.7 & 9 thereof. Considering this fact, we do not find any reason to entertain the present contempt petition.

7 Hence, the Contempt Petition is rejected with no order as to costs.

(N.J. JAMADAR, J.)

(K. K. TATED,J.)

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