

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

Contempt PETITION No. 479 OF 2015

Narayan Shankar Shinde & Ors. ...Petitioners

Versus

The State of Maharashtra
Through its Government Pleader & Ors. ...Respondents

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Mr.Shreepad Murthy i/b. Mr.Abhishek Patil for the Petitioners.
Ms.G.R.Golatkhar, AGP for the State.
Mr. Aniket Ranade for Respondent No.3.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : JULY 17, 2018**

P.C. :

1. In this Contempt Petition, respondent No.2- Pravin Khade, SDO, Rajapur is a contemnor.

2. According to the petitioners, respondent No.2 has committed contempt by fabricating the date of the order as 30th November, 2013 passed in Tenancy Application No. 19 of 2013 and making false statement by declaring that he has already kept the order ready on 30th November, 2013 thereby interfered with the

administration of justice and interfere with the order of this Court dated 13th October, 2014.

3. This Court by order dated 13th October, 2014 directed SDO, Rajapur to pronounce its decision in Tenancy Revision No. 19 of 2013 filed by petitioner No.1 i.e., Narayan Hari Desai within a period of two weeks from the date of receipt of a copy of this order. The copy of the said order was received by SDO, Rajapur on 23rd December, 2014. Thus, within a period of two weeks from the date of receipt of a copy of the said order, the decision would have been pronounced. The SDO, Rajapur pronounced the order on 30th November, 2013. Both the parties have obtained the certified copy of the order on 3rd November, 2014.

4. The learned Counsel for the petitioners has referred the affidavit filed by Mr.Pravin Khade and has submitted that it is self contradictory and there is clear breach of the order passed by this Court. Respondent No.2- Pravin Khade has made misleading statement before the Court that he has signed the order on 13th October, 2014 and thereafter, he went on leave and his successor Mr.Sushant Khadekar pronounced the order within a period of two

weeks. He has further submitted that the Hon'ble President of Maharashtra Revenue Tribunal in his order dated 17th July, 2015 after going through the records in particular the receipt of the order in the Writ Petition, the tribunal recorded that the communication was received in the office of SDO, Rajapur on 23rd December, 2014 so that the decision would have been pronounced within a period of two weeks from 23rd December, 2014 and not before 23rd December, 2014. However, SDO, Rajapur pronounced and dispatched the order on 30th November, 2013 and thus, it was the breach of the order of this Court.

5. I have perused affidavit dated 22nd September, 2016 filed by respondent No.2- Pravin Khade and affidavits dated 15th June, 2016 and 30th September, 2016 filed by Mr.Sushant Khandekar. The order dated 13th October, 2014 is alleged to be flouted. I have read the said order carefully. There was Tenancy Revision No. 19 of 2013 filed by petitioner No.1- Narayan Hari Desai before the SDO, Rajapur and it was transferred to SDO, Chiplun by respondent No.11. In the said Writ Petition, this Court has noted down that the said Tenancy Revision was finally heard by SDO, Rajapur and final order was also prepared by him on 30th

November 2013, however, in view of the stay granted by the Collector in transfer proceedings filed by respondent No.11, he had not pronounced that order. This Court has set aside the order dated 31st December 2013 passed by the Collector, Ratnagiri in Tenancy/Misc. Transfer Application No.36 of 2013 and directed SDO, Rajapur to pronounce the decision in that Tenancy Revision No. 19 of 2013 filed by the Petitioner as expeditiously as possible and at any rate within a period of two weeks from the date of receipt of a copy of this order. Thus, by the said order, SDO, Rajapur is supposed to pronounce the order as early as possible and the outer limit of the pronouncement of the order was within two weeks from the receipt of the copy of the order. Thereafter, the order was pronounced on 3rd November, 2014. In the impugned order, this Court has noted down that SDO, Rajapur had already prepared order on 30th November, 2013. Thus, naturally the order which was written by SDO, Rajapur on 30th November, 2013 was pronounced by his successor Mr.Sushant Khadekar as soon as he received the information of the order passed by this Court.

6. It is true that the President, Maharashtra Revenue Tribunal has observed that the copy of the impugned order was served on SDO, Rajapur on 23rd December 2014. However, it cannot be presumed that this is the only source of having knowledge of the order passed by this Court. The learned AGP Mrs. Golatkar has made statement before this Court on 6th July, 2018 that on 21st October, 2014, one of the parties i.e., Narayan Hari Desai filed an application for obtaining a copy of the order before SDO, Rajapur and he has annexed the copy of the order dated 13th October, 2014 passed by this Court. This is how, the concern SDO Mr. Sushant Khadekar had knowledge of the order passed by this Court and, therefore, he expeditiously pronounced the said order on 3rd November, 2014.

7. Considering this sequence of the events and affidavits filed by Mr. Pravin Khade and Mr.Sushant Khadekar, I am of the view that there is no disobedience of the order dated 13th October, 2014 passed by this Court. Hence, petition fails.

8. Contempt Petition is dismissed.

(MRIDULA BHATKAR, J.)