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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CONTEMPT PETITION (ST) NO. 27566 OF 2018
IN
WRIT PETITION NO.12025 OF 2016

Shri Jija Bhurya Jadhav and Anr. ... Petitioners
Vs.
The State of Maharashtra and Ors. ... Respondents

Mr. Suresh M. Sabrad for the Petitioners.
Mr. A.B. Vagyani, G.P. and Mr. P.G. Sawant, AGP for the Respondents –
State.

CORAM : A.S.OKA AND M.S. SONAK, JJ.

DATE : 17th OCTOBER 2018.

P.C. :

1 There is an affidavit-in-reply filed by Shri Manu Kumar Srivastava, Additional Chief Secretary of the Government of Maharashtra, Revenue and Forest Department. The breach alleged in this contempt petition is of the order dated 24th January 2017. On 3rd October 2018, we had directed the learned AGP to disclose the names of the officers who are responsible for committing contempt. Along with the affidavit of Shri Srivastava, the learned Government Pleader has tendered a copy of the order dated 6th October 2018.

2 The submission of the learned counsel appearing for the petitioners is that apart from the fact that there is no explanation for gross delay in making compliance, while passing order dated 6th October 2018, certain conditions have been imposed by the State Government which are held to be illegal by this Court. He submitted that as the petitioners have

filed contempt petition, the State Government has penalised the petitioners by imposing stringent conditions which are illegal.

3 We have perused the affidavit of Shri Srivastava. Though excuse given about budget session and monsoon session of legislature cannot be accepted for the simple reason that the State Government cannot stop functioning because there is budget session and monsoon session, in the affidavit, apology has been tendered by Srivastava on behalf of the State Government for the delay. In fact, it is an unconditional apology. It is only in view of the unconditional apology that we are not initiating any action.

4 As regards the contention of the petitioners that certain conditions have been deliberately imposed in the order dated 6th October 2018 only because the petitioners have filed the present contempt petition, while challenging the said conditions by filing appropriate proceedings, the said contention can be always taken by the petitioners. The petitioners can always contend that apart from the alleged illegality of the conditions imposed, an action of imposing the conditions is malafide. This contention cannot be gone into the present petition.

5 We accept the apology tendered by Shri Manu Kumar Srivastava and subject to what is observed above, we dispose of the petition.

(M.S. SONAK, J.)

(A.S.OKA, J.)