

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.4/2014
IN
WRIT PETITION NO.2996/2006

Manorama Manohar Dhage & Ors.

... Petitioners

V/s.

State of Maharashtra

... Respondent

Mr. Sandip Phatak i/b. S. B. Deshmukh for the Petitioners
Mr. P. G. Sawant, AGP for Respondent No.1.

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : MARCH 12, 2018

PC. :

1 Heard. By this Contempt Petition, the Petitioner alleges that the Respondent contemnor has failed and neglected to comply with the order dated 19.07.2006 passed by this court in Writ Petition No.2996/2006.

2 The learned counsel for the Petitioner submits that this court had directed the Respondent not to take any further action in relation to the lands in issue in the Writ Petition. He submits that in spite of the said order, the Respondent Authority has issued order dated 14.10.2013 contrary to the order dated 19.07.2006 passed by this court. Hence, the Petitioner filed the present Contempt Petition.

3 The learned counsel for the State submits that he has received instructions from the concerned officer that they have already recalled the said order dated 14.10.2013 and restored the *status quo* order passed by this court as it is. In support of this contention, the learned AGP for the Respondent relies on para 9 and 11 of his Affidavit in reply dated 01.03.2018, which read thus:

*“9. I say that, after realizing that in Writ Petition No.2996/2006, there is already status quo order, the then DRO informed the concerned Tahasildar to make necessary Mutation Entry in the record of rights of the land allotted to one Mahadu Shankar Deshmukh by inserting the remark that there is stay order of this Hon'ble Court. Hereto annexed and marked as **Exhibit-5** is the copy of the said letter dated 19.06.2006 addressed by the then DRO to the Tahasildar, Khed, Pune and hereto annexed and marked as **Exhibit-6** is a copy of Mutation Entry No.3523 certified on 30.06.2014.*

10.

11. I say that, in view of the said order, the grievance of the Petitioner is no longer remain and the original order for which Contempt Petition has been filed is duly complied with. I say that as per the order dated 19.07.2006 passed by this Hon'ble Court for which the contempt is alleged the status quo is maintain and at present the said land standing in the name of the Deputy Director, Resettlement, Pune as of today. I say that, thus, the order dated 19.07.2006 is duly complied with. I say that there is no deliberate intention in non-complying the order passed by this Hon'ble Court. I tender my sincere and unconditional apology if this Hon'ble Court is in conclusion that there is default in complying the order passed by this Hon'ble Court. I say that after joining the office of Deputy Director, Resettlement, Pune. I initiate expeditious steps in complying the order passed by this Hon'ble Court and the same is now complied.

Considering the above facts and circumstances, I pray that the Contempt Petition may please be disposed off.”

4 The learned AGP submits that in view of the above mentioned facts, nothing survives in the Writ Petition. Same be dismissed with costs.

5 We have gone through the contents of the Contempt Petition as well as Affidavit in reply filed by the State. It is to be noted that during pendency of the present Contempt Petition, the Respondent has purged the contempt and filed affidavit dated 01.03.2018. It is crystal clear from paragraph 9 and 11 of the said affidavit filed by the Respondent that the order dated 14.10.2013 was passed by the concerned officer for want of knowledge about the orders passed by this court.

6 Considering these facts and as the order dated 14.10.2013 has already been recalled by the concerned officer, we are of the opinion that there is no substance in the present Contempt Petition in view of the subsequent development to take any action against the Respondent.

7 Hence, the Contempt Petition stands rejected.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)