

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO.171/2017

IN

WRIT PETITION NO.1235/2017

Shree (Rakshak) S/o Ramesh Kale and another

..Vs..

Shree Sachin S. Kurve, Collector, Nagpur District, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.P. Pendke, Advocate for the petitioners.
Shri N.R. Patil, A.G.P. for the respondent.

CORAM : Z.A. HAQ, J.

DATE : 8.1.2018.

Heard.

The Writ Petition No.1235/2017 was filed before this Court by ten petitioners challenging the order passed by the Collector on 23rd February, 2017 by which the learned Collector had directed the Vidarbha Vibhagiya Macchimar Sahakari Sangh Limited, Nagpur (co-operative society) to hand over possession of 21452 Sq. Ft. of land which was leased out to it earlier. The petitioners in Writ Petition No.1235/2017 claimed that they were tenant of Vidarbha Vibhagiya Macchimar Sahakari Sangh Limited, Nagpur (co-operative society). The present petitioners were the petitioner Nos.9 and 10 in Writ Petition No.1235/2017. In Writ Petition No.1235/2017 an interim order was granted on 1st March, 2017 protecting possession of the petitioners

until further orders. On 3rd May, 2017, another order was passed protecting possession of petitioners, however, this Court directed that possession of area beyond 8554 Sq. Ft. can be taken by the Collector. According to the petitioners, inspite of interim order granted by this Court, the authorities sought to take possession of area where the present petitioners had their office / establishments and, therefore, Writ Petition No.1235/2017 was circulated on 18th May, 2017 for urgent orders. On 18th May, 2017, this Court continued protection granted to the petitioners.

The grievance of the petitioners in this contempt petition is that inspite of interim orders passed by this Court protecting the possession of petitioners, the authorities have acted in high-handed manner and have illegally removed the structure and have dispossessed the petitioners.

The respondent has refuted the claim of the petitioners and has filed an affidavit stating that the authorities have not acted illegally and have not disobeyed the interim orders passed by this Court.

The Writ Petition No.1235/2017 is dismissed by this Court on 21st November, 2017. It is undisputed that the building / structure standing on the land in question (including 8554 Sq. Ft. in respect of which the interim order was passed by this Court) have been demolished / removed and the entire land is now in possession of State Government and Nagpur Metro Corporation.

The petitioners have not placed anything on record to point out that the order passed by this Court on 21st November, 2017 dismissing the Writ Petition No.1235/2017 is challenged.

In the above facts, I am not inclined to delve into the disputed issue as to whether any demolition is caused on 18th May, 2017 in violation of the interim orders passed by this Court. I do not see any reason to initiate the proceedings under the Contempt of Courts Act, 1971 against the respondent.

The notice issued to the respondent is discharged.

Contempt petition is **disposed**.

In the circumstances, the parties to bear their own costs.

JUDGE