

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

CONTEMPT PETITION NO. 249 OF 2012
IN WRIT PETITION NO.1071 OF 2012

(Sushikshan Prasarak Mandal vs. Shri Ashok Sonune and others)

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

Shri Deshpande, Advocate for petitioner.
Ms. N.P. Mehta, Assistant Government Pleader for
respondent nos.3, 5 and 6.

CORAM : B.P. DHARMADHIKARI AND
 MRS. SWAPNA JOSHI, JJ.

DATED : JANUARY 8, 2018

Heard Adv. Deshpande for petitioner and
Ms. Mehta, learned Assistant Government Pleader for
respondent nos.3, 5 and 6

2) We find that order of this Court dated
6/8/2012 in Writ Petition No.1071/2012 permitted
Authorities to take suitable decision considering pending
dispute between Management. The Authorities have
issued a show cause notice as to why Management
should not be taken over.

3) Effort of Adv. Deshpande is to urge that this
show cause notice itself constitutes contempt of Court
orders.

4) Ms. Mehta, learned Assistant Government
Pleader submits that no fetters were imposed on
discretion available to Authorities and even if their show

cause notice is presumed to be incorrect, it does not tantamount to contempt.

5) We find substance in the contention of learned Assistant Government Pleader. Merely because Authorities have taken a particular view and issued show cause notice, it cannot be said that their action is in contempt of above order.

6) The petitioner has, however, not assailed show cause notice dated 14/9/2012 independently in any other proceedings. Hence, with liberty to petitioner to assail that show cause notice as per law, we dispose of the contempt petition. No costs.

JUDGE

JUDGE

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