

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Contempt Petition No. 25 of 2016

IN

Misc. Civil Application 234 of 2015 [decided]

IN

Writ Petition No.971 of 2002 [decided]

[Shrawan Odgan Kolhe Vs. Shri Ranjitkumar, Collector, Gadchiroli & two others]

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

Court's or Judge's orders

Mr. M. K. Kulkarni, Adv., for the petitioner.
Mr. Dhumal, AGP for respondent nos. 1 to 3.

CORAM : A. S. CHANDURKAR, J.

DATE : 27th February, 2018

It is the grievance of the petitioner that the direction issued on 24th April, 2015 in Misc. Civil Application No. 234 of 2015 directing the Revenue Authorities to decide the matter within a period of six months has not been complied with, thus, resulting in commission of contempt.

In Writ Petition No. 971 of 2002, the petitioner had challenged the order passed by the Revenue Authorities directing re-measurement of Survey Nos. 12,

23, 52 and 54. This Writ Petition was dismissed on 9th January, 2015 by observing that the order of re-measurement did not call for any interference. It was observed that the petitioner was free to challenge that adjudication in accordance with law. Thereafter, in the Review Application, this Court while dismissing the same directed the Authorities to decide the proceedings within a period of six months.

According to the petitioner, in terms of order dated 24th April, 2015, re-measurement of the aforesaid survey numbers was required to be done. As the same has not been done, it amounted to committing contempt of that order.

Affidavit has been filed on behalf of the respondent no.1 in which it is stated that pursuant to the order dated 20th October, 2001, the re-measurement was carried out on 18th July, 2004. There was no direction to carry out fresh measurement.

Perusal of the orders passed in the Writ Petition and the affidavit filed on behalf of respondent no.1 indicates that this Court did not interfere with the order of re-measurement dated 20th October, 2001. Pursuant thereto, the re-measurement was carried out on 18th July, 2004. The order dated 24th April, 2015 does not direct the authorities to carry out re-measurement, but only to decide the proceedings. It is not in dispute that

the adjudication in the revenue proceedings is the subject-matter of challenge in Writ Petition No. 33 of 2013. Hence, I do not find that there is a willful breach of the order dated 24th April, 2015 by the authorities by not re-measuring the survey numbers.

Attention has been drawn by the learned Asstt. Govt. Pleader to the communication dated 2nd November, 2015 at Annexure-II, page 17 of the Writ Petition. Its perusal indicates the language used by the petitioner while ventilating his grievance. The language as used tends to cast aspersions on the manner in which the proceedings were decided. The petitioner is warned not to indulge in such reckless allegations in the future while ventilating his grievances. This order be brought to the notice of the petitioner by the learned Registrar [Judicial] who shall forward a copy to him.

Contempt Petition is dismissed.

Judge