

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

30. CONTEMPT PETITION NO. 227 OF 2018

IN

WRIT PETITION No. 3522 of 2015

Shri Chandrakant Vyankatrao Patil

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

Advocate for petitioner : Party in person

Mrs. R.P. Gour, Asstt. Govt. Pleader for respondents

CORAM : PRASANNA B. VARALE,

AND

R. G. AVACHAT, JJ.

DATE : 13th August, 2019

ORAL ORDER:

1. Heard the party in person, who is present in this Court. It was the grievance of the party in person that in-spite of the order of this Court, dated 19th June, 2017 passed in Writ Petition No. 3522 of 2015, the order of this Court was not complied with. The Division Bench of this Court by order dated 23rd April, 2018 made it very clear that the Court is not inclined to take cognizance of the contempt but for ascertaining the present status, simple notice was issued to respondents No.2 and

4. Subsequently, it was brought to the notice of this Court that Review Application No. 56 of 2019 was filed, which was dismissed by order dated 18th April, 2019. In the very order dated 18th April, 2019 the Division Bench was pleased to observe that due to oversight, in writ petition relief was granted in terms of prayer clause (B) instead of prayer clause (D) and further observed that it is to be presumed that the relief is granted in terms of prayer clause (D). Prayer clause (D) in Writ Petition No. 3522 of 2015 reads thus:

“(D) By issuing writ of Mandamus or any other appropriate writ, order and direction like in nature to direct the respondent No. 1, 3 to 5 to allow the petitioner institute to function the Library i.e. Shri. Shivchhatrpati Sarvajanik Wachnalaya, at village Mamdapur Tq. Nilanga Dist. Latur as usual and to release Grant in Aid from 01.01.2014 onwards.”

2. The State Government has filed its reply through respondent No.4 – Director of Libraries, Maharashtra State, Mumbai, on 9th July, 2019. The statement is made in the affidavit -in-reply that the recognition to the said library was granted with effect from 1st January, 2014. Then, it is stated that though the decision was taken earlier, same was not communicated at earlier point of time and the delay was caused in communication. For the delay, it is submitted that the delay was purely unintentional.

It is then stated in affidavit-in-reply that vide letter dated 18th June, 2019 it is informed to the petitioner that the petitioner has been reinstated and the office of the deponent has disbursed grants from the year 2013-2014 till 2018-2019. The said amount is transferred by electronic clearance services through the State Bank of India.

3. On earlier date, a tabular statement was submitted before this Court referring to the respective years, when the library submitted its account to the State Government, the receipt of the audited accounts and the disbursement of the amount. On perusal, it reveals that for the year 2013 of the library and for accounting year 2013-2014, amount to the tune of of Rs. 64000/- was disbursed, for accounting year 2014-2015 amount of Rs.96000/- was disbursed and for the year 2014-2015 it was stated that the audited account was not received and no disbursement of amount was done for that period. For rest of the years 2015-2016, 2016-2017 and 2017-2018 i.e. the accounting years 2016-2017, 2017-2018 and 2018-2019, irrespective accounts, amount was disbursed. On finding that no amount was disbursed for the year 2014-2015 and for rest of the years, total amount to the tune of Rs. 4,48,000/- was disbursed, a specific query was made to the Assistant Govt. Pleader.

Accordingly today the learned Asstt. Govt. Pleader placed on record communication dated 3rd August, 2019 alongwith copies of *challans* and statement of account issued by the State Bank of India. It is stated in communication dated 3rd August, 2019 that by way of on-line process amount to the tune of Rs. 96000/- for the accounting year 2015-2016 is disbursed in the account of the petitioner directly. Thus, the total amount disbursed to the petitioner including Rs. 96000/- for accounting year 2015-2016 is to the tune of Rs. 5,44,000/-. The petitioner submits before this Court that this amount is not in consonance with the entitlement of the petitioner. It is also submitted by the petitioner that the State Government owes to the petitioner more than Rs. 11,00,000/- and out of that only amount of Rs. 5,44,000/- is paid to the petitioner. Now, this submission of the petitioner is not based on any quantification done by this Court nor admitted by the respondent-authorities at any point of time. As such, accepting the submissions of the petitioner and entering in that arena, would be certainly beyond the scope of the present contempt petition and we are not inclined to extend the scope of this contempt petition by accepting the submissions of the petitioner. We were only concerned in the present contempt petition to see whether the order of this Court dated 19th June, 2017 is duly complied with in letter and spirit.

4. In view of the above referred fact that the respondent authorities have now disbursed total amount to the tune of Rs. 5,44,000/- to the petitioner as per its entitlement from the year 2013-2014, the purpose of filing of this petition is now duly served. Accordingly the contempt petition is disposed of.

5. If the petitioner is having any grievance in so far as the additional amount is concerned, he may avail appropriate remedy, if so advised.

(R. G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

Madkar