

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 556 OF 2019 IN
WRIT PETITION NO. 3952 OF 2019

Anil Vitthalrao Kolhe

Petitioner

Versus

Navnath s/o Narayan Sontakke
& others

Respondents

Mr. M.D. Narwadkar, Advocate for the petitioner.

CORAM : M.S. KARNIK, J.
DATE : 21st August, 2019.

PER COURT :

1. Present contempt petition arises out of order dated 26.02.2019 passed by this Court in Writ Petition No. 1951/2019. This Court had directed the parties to maintain status quo.

2. When the matter was called out yesterday, learned counsel for the respondent pointed out that by order dated 15.07.2019, the order passed by the Additional Divisional Commissioner dated 30.01.2019 was set aside.

3. Writ Petition no. 3952/2019 was filed by the respondents to this contempt petition challenging the order dated 30.01.2019 passed by the Additional Divisional Commissioner, Aurangabad. As the order passed by the Additional Divisional Commissioner was set aside by the Hon'ble Minister by order dated 15.07.2019, learned counsel for the petitioner withdrew Writ Petition no. 3952/2019 on 20.08.2019.

4. It appears from the record that petitioner himself had initiated proceedings for restoration of the land under the provisions of Maharashtra Land Revenue Code. This presupposes that respondents were in possession of the land.

5. Learned counsel for petitioner would submit that for the period during which the status quo was in operation, respondents have breached the order of status quo and it is infact the petitioner who was in possession of the land.

6. In view of the disputed questions involved, it is not possible for me to adjudicate the disputed question as to who is in possession, in the present contempt petition. Contempt petition therefore stands dismissed.

(M.S. KARNIK, J.)

dyb/