

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

**921 CONT. PETITION NO.841 OF 2018
IN
WRIT PETITION NO. 612 OF 2014**

**MURLIDHAR PARBHAT PATIL
VERSUS
THE UNION OF INDIA AND OTHERS**

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Advocate for Petitioner : Mr. Kamaloddin N. Farooqui
AGP for Respondent: Mr. A.R. Kale

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**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 1st February, 2019

ORAL ORDER :

1. This is a contempt petition filed by petitioner Murlidhar Parbhat Patil. A grievance is raised in the petition that the respondent authorities failed to comply the order of this Court dated 30th January 2017. It was also submitted that though the directions were to the respondent authorities, it was submitted that the directions were to the competent authority to decide the petitioner's application/representation/proposal, on merits within

a stipulated period and the competent authority, for that purpose was the respondent No. 3 – the Land Acquisition Officer and Sub Divisional Officer, Amalner, Tq. Amalner, District Jalgaon.

2. On perusal of the material placed on record, certain facts emerged prompting us not to entertain the petition. A bunch of writ petitions was before this Court. The petitioner in Writ Petition No. 612/2014, Writ Petition NO.2145/2016 and other connected petitions including the petition filed by the petitioner was disposed of at the admission stage itself. As it was submitted before this Court that the application/representation/proposal is pending before the competent authority and the petitioners are seeking relief by way of directions to the concerned authority to decide their application/representation/proposal, considering this solitary prayer pressed in service, the Division Bench of this Court thought it fit to dispose of the petitions with directions to competent authority to decide the petitioner's application/representation/proposal on merits in accordance with law expeditiously and in any case within period of 12 weeks from today. All contentions of the parties were kept open.

3. The petitioner then submitted a representation to the competent authority i.e. the Land Acquisition Officer and Sub Divisional Officer, Amalner on 17.03.2017. The petitioner in his representation only referred to date of order and then it is stated in the representation that the petitioner is challenging an erroneous notice issued by the authority in Writ Petition No. 612/2014 and then it is stated that the Division Bench of this Court (by referring to the names of the Hon'ble Judges of this Court) that the stipulation of period of 12 weeks is fixed by this Court. This representation itself was a misleading communication as this Court has not observed anything on merits of the notice but this Court was under impression that representation is pending before the authority and as the solitary prayer was pressed for decision of the representation, this Court at the admission stage itself disposed of the bunch of writ petitions.

4. The petitioner again submitted a representation to the Collector dated 23.03.2017. In this representation, the petitioner also made certain additional prayers such as issuance of certificate to the family member of the petitioner as a project affected person

and then to provide employment to his grand children and then the petitioner also submitted that if there is no such provision under the law, he may accept the compensation. Then again representation is submitted to the authority on 08.04.2017. A representation is again submitted to the authority stating that his petition is pending in this Court and during the pendency of the petition the authorities are initiating certain actions. This representation and the statement that the petition is pending is on the face of record contrary as the petition was disposed on 30th January 2017 and the statement is made that the petition is pending in this Court. Be that as it may, now the most interesting part emerges i.e. the communication from the competent authority dated 10.04.2017. It is informed to the petitioner by way of this communication that the petitioner had filed Writ Petition (st) No.10019/2013 without bringing to the notice of this Court that there is already a parallel proceeding in the Civil Court in the form of Miscellaneous Civil Application, and the petitioner is party to that proceeding. The Sub-Divisional Officer, by way of this communication informed the petitioner that as the matter is now before the competent Civil Court, the Sub-Divisional Officer

possesses no power or authority to take any decision on the representation and accordingly, these representations are filed. The Sub-Divisional Officer then further states that certain factual aspects are informed to the competent Civil Court. Then the Sub-Divisional Officer also states about his inability to consider the request for grant of the certificate to the family member of petitioner. It seems that the Sub-Divisional Officer also forwarded communication to the Registry of this office on 10.04.2017 stating all these facts. There is also copy of the communication by the Sub-Divisional Officer to the competent Civil Court dated 22.03.2017. Thus, there is a consistent statement by the Sub-Divisional Officer in all these communications that the petitioner, who had preferred Writ Petition though was a party to a proceeding before the competent Civil Court, has not apprised this Court about the *factum* of pendency of proceeding before the competent Civil Court.

5. The petitioner did not stop here. The petitioner again made representation to the Sub-Divisional Officer running in more than 6 pages, making allegations against the authorities that they are acting *malafide* or applying pressure tactics on the petitioner.

In the said representation, the petitioner states that whatever actions are initiated by the authorities, the petitioner is not approving of these actions and he insisted for compliance of the order of this Court within 15 days. We certainly cannot approve this insistence of the petitioner. As stated above the authority had informed the petitioner.

6. The authority clearly states that the petitioner who ought to have stated before this Court about the pendency of the proceedings in the competent Civil Court failed to apprise this Court. As these facts were not brought to the notice of the Division Bench of this Court, the Division Bench of this Court disposed of the writ petition with directions to decide the representation. Certainly, if these facts could have been brought to the notice of this Court, this Court might have adopted some other approach dealing with the petition.

7. Considering all aforesaid facts, in our opinion, the Contempt Petition is thoroughly merit-less and deserves to be dismissed at the threshold. We further make it clear that if the petitioner has any grievance about the communication of the Sub-

Divisional Officer, he may avail appropriate remedy, if so advised.
With these observations, contempt petition is dismissed at the
threshold.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)