

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.459 OF 2019
IN
WRIT PETITION NO.2945 OF 2019

1. Dagubai Kisan Gaikawad,
Age : Major, Occu. Agriculture,
R/o Sawalavihir (Bk.), Tq. Rahata,
District Ahmednagar
2. Rambhau Bapurao Mate,
Age : 69, Occu. Agriculture,
R/o Nighoj, Tq. Rahata,
District Ahmednagar

PETITIONERS

VERSUS

1. The State of Maharashtra,
through its Minister,
Department of Revenue & Forest
& Public Works Department,
Maharashtra State,
Mantralaya, Mumbai-32
2. The District Collector,
Collector Office, Ahmednagar
through Rahul Divedi
R/o Collector Office, Ahmednagar
3. The Sub-Divisional Officer,
Shirdi, Sub-Divisional Office,
Shirdi
4. The Tahsildar,
Tahsil Office, Rahata,
District Ahmednagar

RESPONDENTS

Ms. Sakshi Joshi, Advocate holding for Mr. Sanket S.
Kulkarni, Advocate for the petitioners
Mr. S.G. Sangle, A.G.P. for the respondents/State

CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.

DATE : 4th NOVEMBER, 2019

PER COURT :

Heard learned counsel for the petitioners.

2. By order dated 1st March, 2019 passed in Writ Petition No.2945 of 2019, the Division Bench of this Court, considering the limited grievance raised in the Writ Petition, directed respondent No.2 – District Collector, Ahmednagar to decide the representation dated 25th October, 2018 expeditiously and within a stipulated period of eight weeks from the date of this Court.

3. On a grievance raised before this Court that the order of this Court dated 1st March, 2019 is not complied with and the representation is still pending with the Authority, simple notice was issued by order dated 17th July, 2019 to respondent No.2 making the same returnable on 28th August, 2019.

4. Mr. Sangle, learned A.G.P., on instructions, appears for respondent No.2 and placed on record the communication dated 27th August, 2019 addressed to the petitioners alongwith the decision of the Authority.

The documents are taken on record and marked as "X" collectively for identification purpose.

5. Perusal of communication dated 27th August, 2019 and more particularly the order dated 26th August, 2019 passed by the Authority show that the parties were heard and by assigning detailed reasons, the Authority has arrived at a conclusion that the request made in the representation for release of the land cannot be granted.

6. As the Authority concerned has passed an order and decision is taken on the representation submitted by the petitioners, it can safely be said that the order of this Court dated 1st March, 2019 is duly complied with, though the decision is taken belatedly.

7. Mr. Sangle, learned A.G.P. submitted before this Court that due to administrative difficulties and as the Authority examined the record extensively, the delay caused in taking decision is not intentional but was for the bonafide reasons. As such, the delay caused in taking decision may be condoned. Mr. Sangle, learned A.G.P. further submitted, on instructions, that the decision of the Authority is subject matter in Writ

Petition No.11683 of 2019 filed by the very petitioners who are the petitioners in the present Contempt Petition and notice is also issued in the said Writ Petition on 24th September, 2019.

8. In view of the aforesaid facts and more particularly as the order of this Court dated 1st March, 2019 is now duly complied with, we see no reason to pass any further order in the Contempt Petition. The Contempt Petition is accordingly disposed of.

[ANIL S. KILOR]
JUDGE

[PRASANNA B. VARALE]
JUDGE

npj/CP459-2019