

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

CONT. PETITION NO.744 OF 2019 IN WP/794/2014

VIKAS VASANTRAO DESHPANDE
VERSUS
SHRIKANT GOVINDLAL ATTAL AND OTHERS

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Advocate for Petitioners : Mr. Ashtekar R.K.

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CORAM : V.K. JADHAV, J.
Dated: November 26, 2019

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PER COURT :-

1. I do not find any substance in this Contempt
Petition.

2. Being aggrieved by the order of the Court
Commissioner passed by the Trial Court, the petitioner/
original defendant has preferred Writ Petition no.794 of
2014. Learned counsel submits that by order dated
23.11.2017 this Court (Coram : Nitin W. Sambre, J.) has
disposed off the said writ petition only on the basis of
the statement made by the respondents that the TILR
has already carried out the measurement and
measurement report is ready. Learned counsel submits
that it is a clear case of contempt. Respondents herein

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have mislead the Court. The same is evident from the fact that on 6.12.2018 the Deputy Superintendent of Land Records, Nilanga has issued notice to the parties for carrying out the joint measurement and further requested the parties to remain present.

3. It appears that even after the order dated 23.11.2017 in Writ Petition no.794 of 2014, the respondent/plaintiff has filed an application (page 29) (exh.c) before the Trial Court stating therein that as per the order passed by the Court directing the TILR to carry out measurement, TILR, Nilanga has carried out the measurement, however, after completion of the measurement since this Court has stayed further proceedings in respect of the said measurement, the TILR has stopped further process. On the other hand, respondents/plaintiffs have requested the Court to call upon the TILR, Nilanga and to direct the TILR, Nilanga to submit the report of the measurement. It is for the TILR, Nilanga to explain as to under what circumstances the TILR has again issued notices to the

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parties for carrying out the joint measurement when the said exercise has already been completed before filing of the Writ Petition. In the circumstances, I find no contempt so far as present respondent is concerned. Contempt Petition is accordingly dismissed. No costs.

(V.K. JADHAV, J.)

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