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

**CONTEMPT PETITION NO.620 OF 2019
IN
WRIT PETITION NO.3700 OF 2018**

Narayan Murlidhar Kodgire,
Age: 65 years, Occu: Agriculture,
R/o: Lakhmapur, Taluka Mukhed,
District Nanded

..PETITIONER

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr Sanket S. Kulkarni, Advocate for petitioner;
Mr S. P. Sonpawale, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 11th September, 2019

ORAL ORDER:

Heard Mr Kulkarni, learned Counsel appearing on behalf of the petitioner.

2. The grievance raised in the petition is of non-compliance of the order dated 17th December, 2018, passed by the Division Bench of this Court in Writ Petition No.3700 of 2018. It is the submission of learned Counsel for the petitioner that in spite of the directions of this Court,

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the Divisional Commissioner is sitting idle on an issue of decision in respect of amount of Nazrana. It is also the submission of learned Counsel for the petitioner that stipulation of period was provided in the order of the Division Bench of this Court.

3. Though the submissions of Mr Kulkarni, learned Counsel for the petitioner looks attractive at the first blush, on perusal of the order dated 17th December, 2019 and reading the same alongwith learned Counsel for the petitioner, we are unable to entertain the petition.

4. It is not in dispute that the petition was filed challenging the notice issued by the Collector. Learned Counsel for the petitioner himself submitted before this Court that the very notice had been withdrawn by the Collector and it was stated that post filing of the petition, the Divisional Commissioner would decide the issue. In para 2, the Division Bench specifically observed that as the notice itself stands withdrawn, the purpose of the writ petition does not survive. The Division Bench also observed that the petitioner can avail remedy in case the order passed by the Divisional Commissioner is adverse to him. It would be more useful for our purposes to refer to para 3 of the said order of the Division Bench and same reads thus:

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"3. In case the Divisional Commissioner seeks to decide the amount of Nazrana, the same shall be done after issuing notice to the petitioner and the same shall be decided expeditiously and preferably within a period of six (6) months."

5. When the Division Bench of this Court was of clear opinion that it is for the Divisional Commissioner either to decide the issue of amount of Nazrana by issuing notices or otherwise and further observed that in case the Divisional Commissioner seeks to decide the amount of Nazrana, the same shall be decided within stipulated period of six months, this observation of the Division Bench in no way can be treated as directions to the Divisional Commissioner to decide the issue of payment of Nazrana within stipulated period of six months. This being the fact situation, we are of clear opinion that the submission of learned Counsel for the petitioner that the Divisional Commissioner is not deciding the issue and as such has indulged in the act of contempt of Court, cannot be accepted. At the cost of repetition, we may state that the submissions of learned Counsel for the petitioner are only on an erroneous reading of the order of this Court, dated 17th December, 2019.

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6. Thus, the petition, being devoid of merits, deserves to be dismissed at the threshold and the same is accordingly dismissed.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

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