

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

**CONTEMPT PETITION NO. 685 OF 2018
IN
WRIT PETITION NO. 3529 OF 2013**

Rahul Jawansing Naik

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. Kalyan Patil, Advocate h/f Mr. S.R. Barlinge, Advocate for petitioner

Mrs. A.V. Gondhalekar, Addl. G.P. for respondent nos. 1 and 2

Mr. K.M. Suryawanshi, Advocate for respondent no.3

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**CORAM : P.B. VARALE AND
R.G. AVACHAT, JJ.
DATED : 12th JULY, 2019**

PER COURT :

Heard Mr.Patil, learned Counsel holding for Mr. Barlinge, learned Counsel for petitioner.

2. Our attention was invited to orders dated 24th April, 2019 and 18th June, 2019. In order dated 24th April, 2019, considering the factual aspect that there is inordinate delay in complying with directions of this Court, this Court left with no choice but to frame charge against Respondent No.2 calling upon Respondent No.2 to explain why the action of willful disobedience of Court leading to an act of contempt of Court be not initiated against Respondent No.2.

3. An affidavit-in-reply is filed on behalf of Respondent No.2. Respondent No.2 was personally present in this Court on 18th June, 2019. Order of this Court dated 18th June, 2019 opens with the statement that “Respondent No.2 – Contemner is present before this Court today”. Considering the fact that claim is pending before the committee and considering the statement made before this Court that the committee is ready to decide the claim as soon as petitioner approaches the committee alongwith documents, petitioner was permitted to appear before the committee on 26th June, 2019.

4. Perusal of the affidavit-in-reply filed on behalf of Respondent No.2 shows that there is large pendency of matters before the committee and it is stated in the affidavit-in-reply that since September 2017 to May 2019 total 11,991 claims including old matters are decided out of which 260 are the direction matters. A statement is also made in the affidavit-in-reply that deponent will take proper care in deciding the claims as early as possible in future as per the directions of this Court. It is further stated that there is some delay in deciding the tribe claim of petitioner due to the reasons stated in affidavit-in-reply and unconditional apology is tendered for the delay caused.

5. Today learned Additional Government Pleader invited our attention to communication dated 10th July, 2019, whereby it is informed that

the scrutiny committee has decided the claim of petitioner on 10th July, 2019 in view of the directions of this Court dated 18th June, 2019. Learned Additional Government Pleader, on instructions, further submitted that the decision of the committee is also intimated to petitioner through e-mail.

6. Mr. Patil, learned Counsel for petitioner admits the fact of decision being informed to petitioner. He submits that action be taken against Respondent No.2 for the delay. It is also the submission of Mr. Patil that the delay caused in decision put petitioner to sufferance and prejudice. It is also the submission of Mr. Patil that for the inordinate delay, Respondent No.2 be directed to deposit certain cost.

7. All these submissions of Mr. Patil, learned Counsel for petitioner are on the backdrop of emotional submission of sufferance being faced by petitioner. But considering the fact that we are dealing with the matter in a limited sphere and compass of contempt petition, this Court may not permit itself to assess the matter on an emotional submission, rather this Court would consider the matter with the inbuilt limitations and we can not permit ourselves to go beyond the scope of these inbuilt limitations.

8. Now, Respondent No.2 in affidavit-in-reply dated 18th June, 2019 made a statement in paragraph no.8 and we accept this statement as an

undertaking to this Court. Respondent No.2 has also expressed unconditional apology for the delay caused. It is not in dispute that now the claim of petitioner for validation is decided on its merits and same is rejected by the committee and the order of the committee is informed to petitioner. Petitioner is at liberty to avail the remedies as permissible under law to challenge the order of committee, if petitioner is aggrieved by it and if so advised.

9. Considering all these facts, we see no reason either to keep the petition now pending or to impose certain cost on respondents and particularly on Respondent No.2 as prayed by learned Counsel for petitioner. Contempt petition is accordingly disposed of. Notice issued to Respondent No.2 by order dated 24th April, 2019 is recalled.

(R.G. AVACHAT, J.)

(P.B. VARALE, J.)

SSD