

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

**CIVIL APPLICATION NO.13866 OF 2019
IN/WITH
CONTEMPT PETITION NO. 746 OF 2017
IN
WRIT PETITION NO.12506 OF 2015**

Giridharilal s/o Bhaulal Pardeshi

APPLICANT

VERSUS

Pradip Vishwanath Pathak & anr

RESPONDENTS

Mr Girish N. Kulkarni (Mardikar), Advocate for the applicant;
Mr A.S. Mirajgaonkar, Advocate h/f Mr C.V. Dharurkar, Advocate for respondent No.1

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 28th NOVEMBER, 2019

ORAL ORDER:

Present civil application is filed seeking leave of this Court to add the name of Narayan Dattatraye Tilekar as respondent No.2 in Contempt Petition No. 746 of 2017.

2. It is stated in the present application that the petitioner has added respondent No.1 Pradip Vishwanath Pathak as party respondent, as he was having charge of post of Tahsildar, Newasa during the relevant time and after passing of the order dated 29th August, 2016 in Writ Petition No. 12506 of 2016, the petitioner has approached before the said respondent and intimated about the order passed by this Court to him. It is stated that proposed respondent No.2 was working as Tahsildar of Newasa during the period 9th November, 2015 to 17th January, 2017, as such, present respondent No.2 was suppose to comply the order passed by this Court on 29th August, 2016 in Writ Petition No.12506 of 2016 at the relevant time and was suppose to complete the enquiry, as per directions of this Court.

3. It is stated in the application that as the office of Tahsildar, Newasa has not provided proper information regarding respective Tahsildar of Newasa who

was holding the charge at relevant time, as such, the applicant has not added name of concerned Tahsildar i.e. present respondent No.2 while filing the contempt petition.

4. Least we can say on reading the above referred statement is that the contempt petition was filed in this Court in a hurried manner and with casual approach. In the contempt petition, sole respondent Pradip Vishwanath Pathak was referred to in the title clause of the contempt petition. In the contempt petition, it is stated that after getting certified copy of the order dated 29th August, 2016 the petitioner contacted the office of the respondent and tried to communicate the order, however, the office of respondent has not accepted any of the communication from the petitioner.

5. Simple notice was issued to the respondent by this Court vide order dated 21st July, 2017. In response to the notice, affidavit in reply is filed by Pradip

Vishwanath Pathak. It is stated in the affidavit in reply that he was holding charge of post of Tahsildar, Newasa as additional charge only for a limited period i.e. 17th January, 2017 to 24th January, 2017 i.e. seven days only. It is then stated in the affidavit in reply that from 22nd March, 2017 to 28th May, 2017 he was again given additional charge as Tahsildar, Newasa and during that period, the petitioner met him personally and requested for compliance of the directions of this Court. Accordingly, he immediately forwarded note to the Talathi on 12th April, 2017 calling upon to submit report. The copy of the communication dated 12th April, 2017 forwarded to Talathi, Jalke Khurd is also placed on record. Mr. Pathak also placed on record his report submitted through Talathi, Jalke Khurd and it is informed to the Tahsildar, Newasa that on verification of the record, it reveals that there is no entry in the name of the petitioner.

6. Considering these facts, we are of the clear

opinion that respondent No.1 was required to face notice of this Court only because of hurried and casual approach of the petitioner. In view of these facts, present civil application is allowed in terms of prayer clause (B).

7. In view of our observations that Pradip Vishwanath Pathak was added as party respondent only due to casual and haphazardly approach of the petitioner, notice issued to respondent No.1 is recalled and respondent No.1 Pradip Vishwanath Pathak is discharged.

8. We further direct learned A.G.P. to seek a report from Tahsildar, Newasa whosoever occupying position presently by conducting enquiry as directed in the order dated 29th August, 2016 and submit report before this Court on next date.

9. Post the contempt petition for further consideration/order on 12th December, 2019.

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Authenticated copy of this order be supplied to
learned A.G.P.

[ANIL S. KILOR, J.]

[PRASANNA B. VARALE, J.]

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