

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

**CONTEMPT PETITION NO. 75 OF 2020
IN
WRIT PETITION NO. 9741 OF 2019**

Balasaheb Bhanudas Holker

..PETITIONER

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. S.G. Jadhavar, Advocate for petitioner

....

**CORAM : P.B. VARALE AND
R.G. AVACHAT, JJ.
DATED : 22nd JANUARY, 2020**

PER COURT :

Heard learned Counsel for the petitioner at length on grievance that the order of this Court dated 22nd November, 2019 passed in Writ Petition No. 9741 of 2019 is not complied with and the respondent State authorities are acting contrary to the order of this Court. The petitioner is therefore, before this Court.

2. On perusal of the documents placed on record it emerges that the Division Bench (Coram: S.V. Gangapurwala and Anil S. Kilor, JJ.) of this Court in its detailed order dated 22nd November, 2019 could not find any favour with the petitioner with the observations that the petitioner has lost confidence of the majority of the House and this Court is not inclined to stay

non confidence motion and that the election of post occupied by the petitioner shall not be held for three weeks from the date of the order and with further permission to the authority to proceed further on lapse of three weeks so as to elect new Sarpanch and accordingly the petition is disposed of.

3. The submission of learned Counsel for the petitioner that the petitioner was before this Court challenging the notice issued by Respondent No.3 calling special meeting for considering no confidence motion against the petitioner and as such the petition was dismissed, the respondent State authorities were expected to follow the directions of this Court. It is then submitted by learned Counsel that in stead of declaration of programme of election of new Sarpanch, the District Collector, Latur, on a proceeding, passed an interim order dated 23rd December, 2019. It is then the submission of learned Counsel that the District Collector, Latur was informed about the order of this Court by communication dated 20th December, 2019 and was requested to declare the programme for election of new Sarpanch and it was apprised that if steps are not taken, it would be an act of committing contempt of order of this Court.

4. Though these submissions were made, we are unable to accept any of the submissions for the reason that the order of this Court concludes with liberty to the State authority to proceed further on lapse of the period. Now this permission granted to the authority cannot be treated as if

directions issued by this Court. Though learned Counsel invited our attention to the prayer clause of the petition, undisputedly, the petition is dismissed and there is no question of granting of any prayer sought for by the petitioner. Also the parties aggrieved by some action of the respondent State authority had approached the District Collector, Latur and the Collector issued a notice and passed an interim order. Now, if this is an order passed in a quasi-judicial proceeding, the party, who is aggrieved by this order, can certainly go before that very authority for seeking vacation of the interim order or the said interim order can be modified/recalled in the proceeding. Apart from that, when the petitioner himself is a party respondent to the said proceeding as Respondent No.7, against whom notice is issued, he is not prevented to participate in the proceeding and seek for recall of the order, if the petitioner feels so aggrieved.

5. Considering all these facts, we are of the opinion that this contempt petition is thoroughly merit-less and there is no reason for this Court to entertain such merit-less petition. Accordingly, petition is dismissed at threshold.

(R.G. AVACHAT, J.)

(P.B. VARALE, J.)

SSD