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

CONTEMPT PETITION NO.493 OF 2018 IN
CONTEMPT PETITION NO.462 OF 2017 IN
WRIT PETITION NO.11612 OF 2016

WITH

CIVIL APPLICATION NO.383 OF 2020

Murlidhar Bhika Sonawane ... PETITIONER

VERSUS

Mr. J.P. Dange, Additional Chief Secretary,
Revenue & Forest Department & ors. ... RESPONDENTS

.....
Shri V.P. Patil, Advocate for petitioner
Shri S.P. Sonpawale, A.G.P. for State
.....

**CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.**

DATED : 27th FEBRUARY, 2020

ORAL ORDER :

Heard learned counsel for the petitioner. By considering the averments in paragraph No.6 of the Contempt Petition, the Division Bench of this Court was pleased to issue notice to respondent No.1, vide order dated 18/7/2018, making the same returnable on 16/8/2018. The learned A.G.P. invited our attention to a communication which was immediately

forwarded to the office of the Government Pleader on 19/9/2018, whereby attention was invited to certain facts.

2. The petitioner submitted an application/representation to respondent No.2 in the petition i.e. the Collector for sale of the land which was an inam land. As the application/representation was pending since the year 1997, the Division Bench of this Court, vide order dated 24/11/2016, directed the District Collector to take a decision on the pending application as expeditiously as possible and within a period of four months from the date of order. As there was no compliance for some time, the petitioner filed Contempt Petition No.462/2017 before this Court. It was brought to the notice of this Court by learned A.G.P., on instructions from the Collector, Jalgaon that the proposal of the petitioner has been processed and the entry of restricted ownership has been removed, and as the writ property was in Devasthan name, the office of Collector has referred to Divisional Commissioner, Nasik for forwarding the proposal to the Government. It was also submitted that, the proposal is forwarded on 13/9/2017. Observing all these facts, the Division Bench of this Court was pleased to dispose of the Contempt Petition by observing that the contempt stands purged.

3. Now, it seems that, as the matter was pending before the Government and the petitioner being an illiterate farmer,

approached this Court through his General Power of Attorney by filing the present Contempt Petition. Now the earlier contempt was already purged, filing of second petition itself could have been a rider. But, as stated above, considering the contents of para No.6, the Division Bench of this Court thought it fit to issue notice to respondent No.1. The notice of contempt is issued to respondent No.1 and we are again back to square one that the application/ proposal of the petitioner for selling of land is pending before the Government for decision.

4. Though we could have taken a very serious note of the non-responsive approach of respondent No.1, but then it would only result in pendency of this Contempt Petition for more time and no fruitful purpose would be served. As such, we deem it appropriate to dispose of the Contempt Petition with directions to the Chief Secretary/ Additional Chief Secretary of Revenue & Forest Department (whosoever person concerned occupying this petition) to decide the proposal forwarded to the State Government vide communication dated 12/10/2017, bearing Outward No.48/2017, and communication dated 25/10/2017, bearing Outward No.55/2017, forwarded through the Divisional Commissioner, Nasik Division, Nasik within four weeks from today.

5. We part with the only hope and expectation that the

authority would take appropriate decision, needless to state, on merits, within stipulated period and there would be no occasion for this Court to entertain another round of litigation in the form of contempt. We hope and trust that the senior officers of the State Government would consider the matter on the backdrop of the fact that the petitioner was approaching to the authorities right from the year 1997 and even after three decades, he is still waiting for a decision on his application and as such, now, without waiting for a round on technical formalities, the authority would take a decision and for that, better sense would prevail on the authorities.

6. With these observations, the petition is disposed of.

7. In view of disposal of the Contempt Petition, Civil Application No.383/2020 stands disposed of.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-