

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

**CONTEMPT PETITION NO. 109 OF 2020
IN
WRIT PETITION NO. 6923 OF 2019**

Irshad Mohd. Sharif Shaikh	... Petitioner
Versus	
The State of Maharashtra and others	... Respondents
....	
Ms. Sharada P. Chate, Advocate for petitioner	
Mr. S. S. Dande, AGP for the State	
....	

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

DATED : 11th MARCH, 2020

PER COURT :-

- . Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner prays for withdrawal of the petition. Though we permit the petitioner to withdraw the petition, before parting we must state some facts which came to our knowledge on bare perusal of the material placed on record. Firstly, the writ petition was filed with the basic prayer i.e. prayer Clause-“B”, the same reads thus:

“B] This Hon’ble court is pleased to direct Respondent No.2 to 5 to decide petitioners application dated ----- that is pending from last 2 years before Respondents authority and take appropriate action against the illegal act of concerned authority forthwith.”

The another prayer was prayer clause “C”, which reads thus:

“C] This Hon’ble court be pleased direction to Respondent No.2 to 5 to do proper inquiry in respect of illegal soil transport and other illegal act within stipulated period.”

3. At this stage, we must state that in prayer clause “B”, there is no reference of the date of the application and the portion to that respect is a dotted line appearing. Now, coming to the status of the parties, it reveals that the parties to the petition includes respondent No.3 as the Board Officer at Paithan, District Aurangabad. We have every reason to say that as it was submitted before this Court in the proceeding i.e. Writ Petition No.6923/2019 that the application is pending before the authorities and no decision is taken by the authorities. The Division Bench of this Court, at the admission stage by observing that in case the applications/representations of the petitioner are pending with the respondent nos. 3 and 4, then respondent nos. 3 and 4 shall take decision upon the same on its own merit in accordance with law and policy, expeditiously preferably within four months.

4. Very interestingly, when we made an attempt to find out the details of respondent No.3 as it is only mentioned that the Board Officer at Paithan, District Aurangabad. It is a common knowledge that there are various boards, either the Government approved or some Semi-Government Boards etc. Learned counsel for the petitioner submitted before this Court that it was a mistake in recording the status of respondent No.3 and the applications/representations were submitted to the Circle Officer, Paithan, District Aurangabad. We are again surprised to note that the petition is filed on behalf of a person who claims to be a Legal Practitioner and the petitioner neither bothered to provide proper information to the counsel before submitting these proceedings before this Court nor made further attempt to approach the counsel. There is an error referring to respondent No.3 and then in turn, claiming relief against respondent No.3. The petitioner has to see that all the parties are arrayed properly before filing the proceedings in the Court.

Now, the learned counsel though prayed for an amendment to the Contempt Petition for the sole reason that permitting this amendment would certainly change the entire

texture of the petition and that too while dealing with the present Contempt Petition this Court may not permit the party to introduce entirely new fact in the Contempt Petition, we are unable to allow the prayer of the learned counsel appearing for the petitioner. The learned counsel for the petitioner, thus, prayed for withdrawal of the Contempt Petition.

5. Accordingly, we permit to withdraw the Contempt Petition. We hope and trust that the proceedings filed in this Court are filed with a sense of responsibility and seriousness, so that the unworthy petitions may not lead to deprive hearing of a proper petition due to paucity of time.

6. Accordingly, the Contempt Petition is disposed of as withdrawn.

7. We expect that the office bearers of the High Court Bar Association, Aurangabad may take a note of our observations and instruct the Members of the Bar to avoid such instance in future.

[R. G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]