

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

CONTEMPT PETITION NO. 253 OF 2014
IN
PUBLIC INTEREST LITIGATION NO. 221 OF 2009

Shri Baban Kondiba Kadam ... Petitioner

Vs

1 State of Maharashtra & Ors. ... Respondents

Ms. S. S. Wadekar for the Petitioner.

Mrs. R.A. Salunkhe, AGP, for the Respondent-State.

***CORAM : S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.***

TUESDAY, 04TH FEBRUARY, 2020

P.C. :

1 Having heard both sides, we find that the petitioner has failed to make out a case of civil contempt.

2 The Contempt Petition is argued as if it is a second round. It is argued like a writ petition. In the earlier round, a PIL was filed by the present petitioner claiming that those who are affected by the Chaskaman Dam Project are not rehabilitated in accordance with law. Therefore, the grievance was directed to be

considered by passing an appropriate order.

3 That the authority passes an order not accepting the claim of the alleged affected persons does not mean that a civil contempt is committed by the said authority. There was no direction to grant the relief based on the contents of the representation made to that authority. The direction was only to consider that representation and no order of a Court can be containing a command to disobey or flout the law. The representation has to be considered in accordance with law and if no merit is found therein, it must be rejected. Such an act cannot be, by any stretch of imagination, termed as civil contempt.

4 The Contempt Petition is misconceived and is dismissed.

R.I. CHAGLA, J.

S.C. DHARMADHIKARI, J.