

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 339 OF 2019
IN
WRIT PETITION NO. 8254 OF 2016

Bharatiya Charitrakosh Mandal

.. Petitioner

Vs.

Shri Chandrakant Patil & Ors.

.. Respondents

Mr. Mahesh Subramaniam i/by Mr. S. V. Pitre for Petitioner.

Mr. Y. S. Khochare, AGP for State.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

JANUARY 31, 2020

P.C.

1. Order dated 15th July, 2016 passed in Writ Petition No. 8254 of 2016 records that by an order dated 30th April, 2015 the District Collector, Pune came to a conclusion that the Petitioner had committed breach of conditions on which the subject property was allotted to it and, therefore, cancelled the allotment requiring the subject property to be resumed. The said

order was challenged in Appeal before the Additional Commissioner, Pune who dismissed the same on 31st July, 2015, against which the Petitioner preferred a Second Appeal/Revision before the State of Maharashtra. Pending hearing of the said Second Appeal/Revision, the Tahsildar issued notice dated 5th July, 2016 requiring the Petitioner to hand over possession of the property allotted.

2. The order passed by the Division Bench terminates the proceedings in Writ Petition No. 8254 of 2016 by directing that the Second Appeal/Revision be decided expeditiously, preferably within two months, and till then the order passed by the District Collector, Pune as confirmed by the Additional Commissioner shall remain stayed.

3. Grievance in the Contempt Petition is non compliance with the direction in the order dated 15th July, 2016 requiring the Second Appeal/Revision to be disposed of within two months.

4. It is for the State to be cognizant of the fact that non decision in the Second Appeal/Revision is to the benefit of the Petitioner who has a protective umbrella in terms of the order dated 15th July, 2016 passed in Writ Petition No. 8254 of 2016.

5. We discharge the notice of contempt issued directing that if not already decided the Second Appeal/Revision be decided within eight weeks from today and if not so decided, the Petitioner can seek revival of the Contempt Petition and under said circumstance the contemnor would answer as to why the contemnor be not punished for the reason *prima facie* contempt would ensue if the Second Appeal/Revision is not disposed within eight weeks from today.

6. Contempt Petition is disposed of.

Pravin
D.
Pandit

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE

Digitally signed
by Pravin D.
Pandit
Date: 2020.02.01
10:33:58 +0530