

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

CONTEMPT PETITION (ST.) NO. 30403 OF 2019

F N Social, Educational, Medical Petitioner
and Charities Trust

Vs.

Atul Goel & Another Respondents

Mr. Sangram Chinappa for Petitioner

Mr. S.K. Mishra, Senior Advocate a/w Ms. Samiksha Kanani i/by Mr.
Rajesh Gupta for Respondent nos.1 and 2.

Coram : NITIN W. SAMBRE, J.

Date : 12th February, 2020

P.C.:

1. Heard learned counsel for the petitioner and the learned
Senior Counsel for respondent nos.1 and 2.

2. In a proceeding under Section 41E of the Maharashtra
Public Trusts Act, 1950, the learned Joint Charity Commissioner, Pune
Region, Pune on 4th October, 2017 passed following order of
injunction :

- “1. Application No. 22/2016 is partly allowed.
2. The opponent Nos. 1 and 3 are hereby restrained by granting temporary injunction from carrying out any sort of construction in Survey No. 75/2/1, admeasuring 6 Acres, situated at Wanworie or dealing with the said property in any way, in any manner.
3. In peculiar facts of the case, no order as to costs.
4. Entry of this order be taken in Schedule-I of the Register of Public Trust.
5. Proceeding is closed.”

3. It is the case of the petitioner that the respondents herein have acted contrary in breach of injunction order by initiating complaint before the police authorities, as such said act amounts to contempt.

4. Mr. Mishra submits that there is no intention and deliberate act on the part of respondents to breach the order of injunction. The order of injunction dated 4th October 2017 has restrained and injuncted the respondents from carrying out construction in Survey No.75/2/1, admeasuring 6 acres at Wanworie or from dealing with the said property in any way, in any manner.

5. Act of the respondents cannot be termed to be an act, in contempt or in willful disobedience of the order of injunction passed by the learned Joint Charity Commissioner.

6. The directions issued by the Joint Charity Commissioner not to deal with the suit property cannot mean that, the respondents cannot initiate the proceedings before the authorities, as such are contemptuous.

7. As such, no act of contempt could be noticed in the matter and that being so, the contempt petition is dismissed by reserving right of the petitioner to take such proceedings against the police action, as is advisable.

(NITIN W. SAMBRE, J.)