

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

WRIT PETITION NO.9228 OF 2021

**LATABAI D/O MAHARU KOLI ALIAS LATABAI W/O CHANDRAKANT
SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

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Advocate for Petitioner : Senior Advocate Mr. R. N. Dhorde i/b
Mr. V. R. Dhorde and Mr. P. S. Dishe
GP for Respondents – State : Mr. D. R. Kale
Advocate for Respondent No.4 : Mr. P. R. Katneshwarkar i/b
Mr. Y. B. Bolkar

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**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 15TH SEPTEMBER, 2021

PER COURT :

1. Heard Mr. Dhorde, the learned senior advocate for the petitioner, Mr. Katneshwarkar, the learned advocate for respondent No.4 and the learned Government Pleader.
2. The petitioner seeks recall of the order dated 05-08-2021 passed in Contempt Petition No.346 of 2021.
3. The parties are litigating before the Scrutiny Committee. Writ Petition No.14645 of 2019 was filed by the present respondent No.4. In the said matter, under order dated 04-12-2019, this Court disposed of the writ petition directing the Committee to decide the proceeding expeditiously. Subsequently, Writ Petition No.7721 of 2020 was filed by the present petitioner

thereby assailing the judgment of the Scrutiny Committee, dismissing the proposal of the petitioner for issuance of validity certificate of the petitioner of Tokare Koli, Scheduled Tribe. After hearing all parties under the judgment and order dated 03-12-2020, we disposed of the writ petition by quashing and setting aside the order of the Scrutiny Committee and remitting the matter to the Scrutiny Committee. We further directed the Committee to decide the validation proceedings within a period of four months from the date of submission of the tribe certificate issued by the competent authority. It appears that the proceedings were not decided within a period of four months. The present respondent No.4 filed Contempt Petition No.346 of 2021. This Court under order dated 05-08-2021 observed that, if within a reasonable time, the proceedings are not decided, the Court would be constrained to take the cognizance of the contempt.

4. The present writ petition is filed for recalling the order dated 05-08-2021 passed in Contempt Petition No.346 of 2021. Mr. Dhorde, the learned senior advocate, submits that the present respondent No.4 suppressed the fact that respondent No.4 has filed S.L.P. before the Hon'ble Apex Court challenging the judgment and order passed by this Court in Writ Petition No.7721 of 2020. Respondent No.4, in all fairness, ought to have disclosed the said fact before this Court and by suppressing the same,

obtained the orders in the contempt petition. Respondent No.4, in fact, committed the contempt of the contempt by suppressing the fact. The present petitioner has also filed S.L.P. before the Hon'ble Apex Court against the same judgment and order passed in Writ Petition No.7721 of 2020 and the same is pending. The petitioner has also filed another S.L.P. for transfer of the proceedings. This Court has dismissed the writ petition seeking transfer of the proceedings from one Committee to another.

5. In none of the matters the Hon'ble Apex Court has stalled the proceedings and stayed the judgment or proceeding before the Committee. The petitioner has approached before the Hon'ble Apex Court long back. It is submitted by Mr. Dhorde, the learned senior advocate, that the matters are to be listed in the week commencing from 04-10-2021, before the Hon'ble Apex Court. In the light of that, the Committee may give date to the parties to appear before it after 06-10-2021.

6. With the aforesaid observations, the writ petition is disposed of. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)