

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 146 OF 2021

Shree Gajanan Maharaj Pratisthan & Anr. .. Petitioners

Versus

Mahesh Dinkar Pathak, Principal Secretary - 2,
Urban Development and Ors. .. Respondents

AND

Mahesh Dinkar Pathak, Principal Secretary - 2,
Urban Development .. Contemnor

-
- Mr. Vaibhav V. Ugle for the Petitioners.
 - Ms. S. D. Vyas, 'B' Panel Counsel for the State
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**CORAM : S. S. SHINDE &
MILIND N. JADHAV, JJ.**

DATE : 22nd DECEMBER, 2021

P.C.:

1. Heard Mr. Vaibhav Ugle, learned counsel appearing for the Petitioners and Ms. S.D. Vyas, Panel Counsel for the State.

2. Perused the affidavit-in-reply dated 11.08.2021 filed on behalf of the Respondents. Paragraph Nos. 7 & 8 of the said affidavit read thus :

"7. I say that the Deputy Secretary, Maharashtra Government sent a letter dated 28.7.2021 to the office of the Government Pleader, High Court, Bombay stating that hearing on the said representation is scheduled on 3.8.2021 and the Petitioners have been informed and called upon to attend the hearing alongwith all the relevant papers, and after following due process and hearing, appropriate order shall be passed on 9.8.2021. The letter further stated that the order dated 25.1.2021 passed by the Hon'ble Court in Writ Petition (Stamp)

No. 98274 of 2020 came to the knowledge of the concerned authority on 9.7.2021, therefore, causing undue delay in deciding the said representation. By the said letter, the Deputy Secretary tendered unconditional apology for the delay caused in deciding the representation. Hereto annexed and marked as Exhibit-1 is copy of the letter dated 28.7.2021.

8. I say that on the said date of 3.8.2021 hearing took place & after hearing the petitioners and the concerned parties a reasoned order was passed on 9.8.2021, copy of which is duly communicated to the petitioners. Hereto annexed and marked as Exhibit-2 is copy of the reasoned order dated 9.8.2021 signed by the Deputy Secretary, Urban Development Department, Mantralaya, Mumbai.

In view of the facts stated herein above, there is no willful disobedience on the part of this respondent. I most respectfully submit that there is no intention to dishonor the order passed by this Hon'ble High Court. I say that the order passed by this Hon'ble Court is fully complied with. I say that, in view of the statements made herein above, the Contempt Petition may be disposed of and this Hon'ble Court be pleased to pass appropriate order in the interest of justice."

3. It is submitted that the act of which contempt is alleged no longer survives because the Petitioners have been heard by the concerned authority and a reasoned order dated 09.08.2021 has been passed which is duly communicated to the Petitioners.

4. Mr. Ugle, learned counsel for the Petitioners states that the Petitioners have received the reasoned order as stated above.

5. We accept the reasons and unconditional apology tendered by the Dy. Secretary as stated in the affidavit-in-reply dated 11.08.2021

for non compliance of the order passed by this Court within the stipulated time frame.

6. In view thereof, no orders are required to be passed in the Contempt Petition.

7. Contempt Petition stands disposed of.

[MILIND N. JADHAV, J.]

[S. S. SHINDE, J.]

SONALI
SATISH
KILAJE

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by SONALI
SATISH KILAJE
Date:
2021.12.23
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