

UMESH
SHRINIWAS
MALANI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 357 OF 2021

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Date: 2021.12.18
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Baban Damu Parkhi (Since Deceased)
Thr. Lrs Arun Baban Parkhi
and Ors ...Petitioners

Versus

The State of Maharashtra ...Respondent

Mr. S.M. Sabrad for the Petitioners.
Mr. S.B. Kalel, AGP, for the Respondent – State.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

DATE : DECEMBER 16, 2021.

PER COURT :

1. In the present Contempt Petition a grievance is raised of non-compliance of the order of the Division Bench in bunch Writ Petitions namely, Writ Petition No. 5763 of 2017 and other connected writ petitions, dated August 14, 2019. In the said Writ Petitions a grievance was raised of non-action on the part of the Government Authorities for deletion of entries in the 7x12 extracts of the record of rights maintained by the

revenue department of the State Government. In the order dated August 14, 2019 the Division bench referred to various orders passed by this Court on the said issue. The fact that the committee was constituted under the chairmanship of the Collector at District level for taking decision of deletion of entries, is also taken in the order. Then there is a reference made to the Government Resolution dated 05th August, 2019.

2. Considering all the relevant factors, the Division Bench ultimately was pleased to observe that "Having perused the State Government Resolution dated 5th August, 2019, we are not inclined to direct the Petitioners to adopt the procedure provided under the said Government Resolution in these pending Petitions. The said Government Resolution does not provide any time-lines within which the Report is to be submitted or for the proposal and decision to be taken by the Committee and the State Government respectively."

3. Thus, the bunch of Petitions were allowed allowed vide order dated 14th August, 2019.

4. The Counsel for Petitioner submitted that in spite of repeated requests to the Authorities, no action is taken as such, the Petitioner was left with no choice but to approach this Court by filing the present Contempt Petition.

5. At the cost of repetition, we may state that the Division bench in clear and unambiguous words expected an action from the State Government to issue a Government Resolution setting out time limit for disposal of the applications so that the parties are not required to approach this Court time and again for redressal of their simple grievances.

6. Learned AGP submitted that some time be granted to the parties to comply the order of this Court as higher authorities of the State Government are considering the issue and are working on the issue in view of the directions of this Court dated

14th August, 2019.

7. Period of two years is already lapsed and in our opinion, this period of two years is more than sufficient to comply the order of this Court but for the request made by learned AGP and with a hope that better sense would prevail over the State in general and officers of the State in particular, we deem it appropriate to grant four weeks time to the State Government to take all necessary actions in view of the various orders passed by this Court as well as the order dated 14th August, 2019.

8. We further make it clear that in case, the State Government is unable to take any action pursuant to the orders of this Court within four week, the State shall approach this Court by filing an affidavit. The said affidavit shall be filed by the Principal Secretary of the State of Maharashtra so that the parties are not required to approach this Court time and again.

9. We further make it clear that in case, we

find that there is no justifiable reason for the State to comply the order of this Court within stipulated period expected by this Court and the attempt of approaching this Court only to find excuse, this Court may constrain to pass the orders including the imposition of the cost on the higher authorities of the State Government and issuance of suo moto contempt notice to the erring officers of the State.

10. With these directions, the Contempt Petition is disposed of.

11. All concerned to act upon an authenticated copy of this order.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)