

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

CONTEMPT PETITION NO. 240 OF 2015

IN

WRIT PETITION NO. 4071 OF 2013

(MADHAV NAMDEO DALVI...VS.. STATE OF MAHARASHTRA THR. SECRETARY & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R.Deshpande, Advocate for Petitioner.
Shri S.P.Deshpande, A.G.P. for Respondent No.1.
Shri A.M.Ghare, Advocate for Respondent No.2.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : MARCH 08, 2021.

Heard.

2. Shri S.R.Deshpande, learned Advocate for the petitioner submitted that this Court on 13th March 2015 directed the respondent No.2 and the petitioner to maintain status-quo in relation to the land in dispute. He submitted that after the order was passed, the respondent No.2 has demolished tin-shed which was standing on the land in dispute as on 13th March 2015 and has therefore, committed wilful disobedience of the order dated 13th March 2015.

3. Shri A.M.Ghare, learned Advocate for the respondent No.2 submitted that Respondent NO.4-Tahsildar had filed an affidavit in Writ Petition No.4071 of 2013 stating that possession of the land in dispute had been delivered to Respondent No.2 herein. The order passed by this Court on 13th March 2015 has to be read in context of delivery of possession. He, therefore, submitted that there is no wilful disobedience of the order of this Court dated 13th March 2015 committed by Respondent No.2.

4. We have carefully considered the contentions in the present petition. By order dated 8th March 2021 i.e. today, we have disposed of Writ Petition No.4071 of 2013. While disposing the Writ Petition No.4071 of 2013 we have recorded finding that in view of the affidavit filed by the respondent-Tahsildar in the said writ petition possession of the land in dispute was delivered to respondent No.2 herein who was petitioner in the said petition. Since we have recorded our satisfaction the possession of the land in dispute was delivered to the petitioner on 9th March 2015, the order of status-quo dated 13th March 2015 has to be read in the context of delivery of possession to respondent No.2. Once we have held that on 13th March 2015 the respondent No.2 was in possession of land in dispute, the order of status-quo would mean that the present petitioner was precluded from disturbing the possession in relation to the land in dispute. Since it is the respondent No.2 who was in possession on 13th March 2015, we are satisfied that the respondent No.2 has not committed wilful disobedience of the order of this Court dated 13th March 2015, by demolishing tin shed.

We find no merits in the present Contempt Petition, the same is therefore, **dismissed**. No costs.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)