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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.151 OF 2018
IN
WRIT PETITION NO.2036 OF 2018 (D)

Ashtavinayak Construction, Thr. its Proprietor Liladhar Ramkrushna Thakre, Durugwada,
Tarasawanga, Tah. Ashti, Dist. Wardha

-vs-

Rajesh Krishnachandra Tiwari, Divisional Manager, Forest Development Corporation of
Maharashtra Ltd. Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. K. Bhoyar, Advocate for petitioner.
Shri M. M. Sudame, Advocate for respondent No.1.
Shri A. A. Naik, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR AND N. B. SURYAWANSHI, JJ.
DATE : January 27, 2021

The grievance of the petitioner is with regard to breach of an interim order dated 10/04/2018 passed in Writ Petition No.2036/2018. By that order this Court while issuing notice in the writ petition and making it returnable on 19/04/2018 had restrained the respondents from cutting any trees in furtherance of e-tender notice for sale of trees. This ad-interim order was thereafter continued on 02/05/2018.

In paragraph 7 of the contempt petition it has been pleaded by the petitioner that on 21/05/2018 when he was passing through Jalalkheda road to Warud he noticed that cutting of trees was going on and about 454 had been cut. This was despite the ad-interim order passed on 10/04/2018. As according to the petitioner this amounted to wilful breach of that order the contempt petition was filed.

In the reply filed by the respondent No.1 it has been stated in paragraph 3 of the affidavit that the respondent No.1 had no knowledge of felling of trees and that the trees had not been felled pursuant to the tender notice. In the affidavit filed on behalf of respondent No.2 it has been stated in paragraph 8 that on being informed about the ad-interim order, the second respondent had stopped the felling of trees immediately and had withdrawn his labour and equipments from the site. A statement is made that after the ad-interim order dated 10/04/2018 the second respondent had not felled any trees. Similar statements are made in paragraph 10 of the affidavit. After this affidavit dated 23/07/2018 was filed there is no rejoinder filed by the petitioner disputing the contents thereof.

We find from the record that there are statements on oath made by the parties against each other. While the petitioner alleges breach of the ad-interim order dated 10/04/2018 the same is denied by the respondents. In exercise of contempt jurisdiction it would not be permissible to examine this disputed question of fact. Hence we are not inclined to entertain the contempt petition. Needless to state that if any grievance of the petitioner survives it is free to seek redressal of the same in accordance with law.

The contempt petition is disposed of.

JUDGE

JUDGE

Asmita
Bhandakkar

Digitally signed by
Asmita Bhandakkar
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