

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**97 CONT. PETITION NO.480 OF 2022
IN WP/7726/2020**

PUNJABRAO SHRIHARI WADJE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
AND OTHERS

...
Advocate for Petitioners : Mr. Godhamgaonkar P. G.
AGP for Respondents-State : Mr. A. R. Kale

...
**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 12th August, 2022

PER COURT :

1. By an order dated 10/11/2020, in Writ Petition No.7726 of 2020, we have specifically set out in paragraph No.3 as under :-

“In view of aforesaid, the construction activity over the petitioners land of increasing width of the road, if any, if not relatable to any acquisition proceedings, may be refrained from, till the next date.”

2. In this Contempt Petition, we find from the pleadings that the petitioners have nowhere specifically stated, as to, (i) at what spot has his land been damaged or (ii) there is an encroachment on his land. It is merely stated that this Court had restrained development on the land and the authorities are increasing the width of the road, without any acquisition.

3. It does not call for a debate that in contempt proceeding, the disobedience of an order of the Court has to be established in a manner that the contemnor has deliberately, intentionally and willfully disobeyed the order, which conduct is glaring.

4. This Court had observed that the construction activity over the petitioners' land of increasing width of the road, if not relatable to any acquisition proceeding, may be refrained from. As such, the petitioners should have specifically set out the exact location/ spot as to where the authorities have encroached on his land or have taken over his land for the purposes of laying a road. We find bald statements having being made in paragraphs No.3, 4, 5 and 6 in the contempt petition.

5. Considering the above, we do not find that a case of willful, intentional and deliberate disobedience of the order of the Court has been made out. This petition is disposed off. Nevertheless, the petitioner is at liberty to seek redressal if a fresh cause of action is noticed.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.