

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION NO. 2 OF 2022
IN
WRIT PETITION NO. 1167 OF 2018**

United Taximens Union, Thr. Its President ... Petitioners
Eknath Palkar & anr.

V e r s u s

The State of Goa, Rep. Thr. Chief Secretary, ...Respondents
Porvorim & 4 Ors.

Mr. Abhijeet Kamat, Advocate *for the Petitioners.*

**CORAM: DIPANKAR DATTA, CJ. &
 M. S. SONAK, JJ**

DATED: 29th March 2022

ORAL ORDER:-

1. This is an application alleging wilful and deliberate violation of the terms of the order dated 10.12.2018 passed by a co-ordinate bench of this Court while disposing of Writ Petition No. 1167 of 2018.

2. It is not in dispute that in furtherance of the said order, the Assistant Director of Transport, Government of Goa, Vasco, has passed an order dated 06.02.2019. Such order has duly been communicated to the petitioner and is annexed to the application at Exhibit B.

3. Mr. Kamat, appearing for the petitioners, submits that the order is not in accordance with the direction of the Court as contained in the order dated 10.12.2018 and despite the same being brought to the notice of the Assistant Director of Transport, no further action has been taken.

4. Having heard Mr. Kamat and on perusal of the order dated 06.02.2019 passed by the Assistant Director, we are of the considered view that the element of wilful and deliberate violation of the Court's order is missing in the present case. The Supreme Court in its decision in *J. S. Parihar vs. Ganpat Duggar & Ors.*¹ has held that once an order is passed by the respondent on the basis of directions issued by the Court, there arises a fresh cause of action to seek redressal in an appropriate forum. The order may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. However, such an order cannot be considered to be the willful violation of the order.

5. In view of such dictum, we see no reason to proceed further with this application for contempt. The application stands disposed of. No costs.

6. This order of disposal shall not preclude the petitioner to explore its remedy before the appropriate forum, in accordance with law.

7. All contentions are left open.

M. S. SONAK, J.

DIPANKAR DATTA, CJ.

ANDREZA PEREIRA
Digitally signed by ANDREZA PEREIRA
Date: 2022.03.29 19:39:56 +05'30'

¹ 1996 (6) SCC 291