

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2966 OF 2021
IN
CONTEMPT PETITION NO.475 OF 2015**

Prakash Ganpat Sawant ..Applicant

IN THE MATTER OF

Prakash Ganpat Sawant ..Petitioner

vs.

The State of Maharashtra and ors. ..Respondents

Mr. Prakash Ganpat Sawant, applicant/petitioner in person present.

Smt. Nisha Mehra, AGP for respondent nos.1 to 4 and 7.

Mr. Ramesh D. Rane for respondent nos. 5, 6 and 8.

**CORAM : DIPANKAR DATTA, CJ &
M. S. KARNIK, J.
DATE : JANUARY 24, 2022**

P.C. :

1. Public Interest Litigation No.167 of 2014 instituted by the petitioner was disposed of on January 6, 2015 by a co-ordinate Bench of this Court with certain directions. Alleging willful and deliberate violation of the directions contained in such order, the petitioner instituted Contempt Petition No.475 of 2015. By an order dated November 25, 2019, another co-ordinate Bench disposed of Contempt Petition No.475 of 2015 by passing the following order: -

“The petitioner, appearing in person, is absent. The contempt petition cannot be pursued as if it is a substantive matter in which further and additional relief can be granted. It is disposed of.”

2. By filing this Interim Application, the petitioner seeks recall of the order dated November 25, 2019. It is submitted by him that there was sufficient cause for him not to be present on November 25, 2019 and, therefore, such order ought to be recalled on condonation of delay in his approach.

3. While hearing the application, we had the occasion to look into the array of respondents in Contempt Petition No.475 of 2015. We find that the State of Maharashtra is the first respondent, whereas respondents 2 to 10 are all Ministers in the Government of Maharashtra, officers of the State of Maharashtra, the Zilla Parishad and the Gram Panchayat, impleaded in their official capacity.

4. In our view, even if the order dated November 25, 2019 were recalled, Contempt Petition No.475 of 2015 being defective would not be maintainable. The Rules framed by this Court to regulate proceedings under Article 215 of the Constitution of India and the Contempt of Courts Act, 1971 require the persons charged for committing contempt, meaning thereby natural persons, to be impleaded as opposite parties. Since the contempt petition itself is defective and not maintainable, no cognizance of the contempt can be taken. Recall of the order dated November 25, 2019 would not serve any fruitful purpose.

5. In such view of the matter, the application for recall of the order dated November 25, 2019 stands dismissed. No costs.

6. This order shall not preclude the petitioner to seek his remedy before the appropriate forum in accordance with law.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

PRADNYA
MAKARAND
BHOGALE

Digitally signed by
PRADNYA MAKARAND
BHOGALE
Date: 2022.01.25
11:35:18 +0530