

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CONTEMPT PETITION NO. 8 OF 2022****IN****WRIT PETITION (ST) NO. 896 OF 2021****Pandurang Dattatraya Kokane****... Petitioner****Versus****Nitin Karir, The Principal Secretary,
Urban Development Department****... Respondent****.....****Mr. Graham Francis instructed by Mr. V.S. Talkute for the Petitioner.****Ms. Neha Bhide, 'B' Panel Counsel for the State.****Mr. Nitin Karir, Respondent No.1 present through video-conferencing.****Mr. Bhushan Gagrani, present through video-conferencing.****.....****CORAM : S.J. KATHAWALLA AND****MILIND N. JADHAV, JJ.****DATED : JANUARY 12, 2022.****P.C. :-**

1. The Advocate for the Petitioner has without making any inquiry joined Shri Nitin Karir, Principal Secretary, Urban Development Department as party Respondent to the above Contempt Petition on the ground that Shri Karir has breached the Order dated 20th January, 2021. It was also submitted that Mr. Bhushan Gagrani, Principal Secretary, is also guilty of committing breach of the Order passed by this Court dated 20th January, 2021. It is now established that these officers are not

concerned with the non-compliance of the said Order dated 20th January, 2021, and that Shri Mahesh Pathak was the Principal Secretary, Urban Development Department at the relevant time and continues to be so, till date. It is therefore clear that the Petitioner has made allegations against Shri Nitin Karir and Shri Bhushan Gagrani without carrying out proper enquiries. The Petitioner is therefore hereby warned that if in future any officer who is not directed by the Order of the Court to comply with the same is joined as alleged contemnor, the Court will take stern action against the Petitioner including imposing heavy costs on the Petitioner. In any event since the Learned AGP on instructions states that Shri Mahesh Pathak will comply with the order dated 20th January, 2021 within a period of two weeks from today, we accept her statement as an undertaking given to the Court. Ordered accordingly. The above Contempt Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)

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