

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CONTEMPT PETITION NO.112 OF 2022

Shri Dattaram B. Ghanekar .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

Mr. S. M. Sabrad, for the Petitioner.
Mrs. M. P. Thakur, AGP for the Respondent-State.
Mr. Mandar Limaye, for Respondent Nos. 9 & 10.
Mr. Rohit Sakhadeo, for Respondent Nos. 11 and 14.

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**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.
DATED : 5th APRIL, 2022.**

PC:-

Heard the learned Counsel for the Petitioner and the learned Counsel for the Respondents.

2 The grievance is that, order of this Court passed in Writ Petition No.1273 of 2017 dated 12th April, 2018 is not complied with in its true letters and spirit.

3 The learned Counsel for the Petitioner submits that it is only after the present Contempt Petition was filed, the Respondents took action and steps. For four years, the order of this Court was not complied with. No explanation is forthcoming as to why for four years, the order of this Court was not complied with.

4 The learned Counsel for the Gram Sevak and Sarpanch submits that now the order has been complied with and the said illegal structure has been removed.

5 The learned Counsel for the Petitioner points out that the resolution is proposed in the Gram Panchayat Meeting dated 5th February, 2020 that the proceedings under the Mamlatdar Court Act, should be taken, though this Court had ordered that the Gram Panchayat can proceed under sub-section 3 of Section 52 of the Maharashtra Village Panchayat Act.

6 The orders of the Court are required to be complied with in its true letters and spirit. The Gram Sevak is a public servant. With all earnestness, he has to comply the orders of this Court. We find that there is inordinate delay in complying the orders of this Court. We can understand some reasonable time for implementing the order of the Court. Four years certainly is not reasonable time for implementing the order passed by this Court. The explanation of the Sarpanch and Gram Sevak is not satisfactory. They have tendered unconditional apology to the Court.

7 Considering that the Gram Sevak is a public servant and his future service, we are not prosecuting the matter further. However, the Sarpanch and the Gram Sevak shall ensure that henceforth, such a laxity in implementing the order of the Court would not be tolerated and if such laxity is repeated, the Court would take serious view of the matter.

8 We accept the unconditional apology tendered by them and as now the order stands complied with, we dispose of the Contempt Petition.

9 Contempt Petition stands disposed of.

(VINAY JOSHI,J.)

(S.V.GANGAPURWALA,J.)