

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CONTEMPT PETITION NO. 188 OF 2021**

Nikhil Rohit Waykar

... Petitioner

Versus

The State Of Maharashtra

... Respondent

Mr.Y.B. Lengare a/w. Mr.Manoj Patil for Petitioner.

Mr.S.B. Kalel, A.G.P for Respondent (State).

**CORAM : R. D. DHANUKA &
S. M. MODAK, JJ.****DATE : 25th JANUARY 2022.
(Through Video Conference)****PC. :-**

1. By this Contempt Petition, the Petitioner seeks an action against the Respondent Nos. 2, 3 & 6 under the provisions of Contempt of Courts Act, 1971 for alleged willful and deliberate breach of the Order dated 16th December 2019 passed by the Division Bench of this Court in Contempt Petition No. 100 of 2019 vide Order dated 12th March 2018 passed in Writ Petition No. 2820 of 2018.

2. Pursuant to the Orders passed by this Court, the Respondent Nos.1 and 6 have filed Affidavit-in-Reply stating that the Petitioner is a project affected person and is entitled for alternate land in the benefited zone. Vide a

letter dated 17th January 2022 issued by the Respondent No.1, the details of the plots which are available for allotment to the Petitioners is provided. The Respondent No.1 accordingly addressed the letter to the Petitioner on 17th January 2022 calling for their consent for allotment of the land to the Petitioners in Gunjawani Project. In the said letter, the Respondent No.1 has given details of 9 plots out of which the Petitioners can select any for the purpose of allotment within two days from the date of receipt of the said letter.

3. In view thereof, as the impugned Order has already been complied with by the Respondents, we do not propose to take any action under the provisions of the Contempt of Courts Act, 1971 against the Respondents.

4. Mr.Lengare, learned counsel for the Petitioner states that, though there are several other convenient plots available, which could be offered to the Petitioners, the Respondents have deliberately not offered those plots to the Petitioners. He however seeks time to given consent of his clients in respect of the plots described in the said letter dated 17th January 2022 within two weeks from today. Statement is accepted.

5. Contempt Petition is accordingly disposed off in aforesaid terms.

6. If the Petitioner gives consent for any of those plots mentioned in the said letter dated 17th January 2022, the Respondent No.1 to allot the plots

which the Petitioners are entitled to out of those 9 plots after completing the requisite procedure. If the Petitioners are still aggrieved by the said decision taken by the Respondent No.1, the Petitioners would be at liberty to file appropriate proceedings by impugning the said communication dated 17th January 2022.

7. No Order as to costs.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2022.01.25
17:58:41 +0530