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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.213 OF 2021
IN
WRIT PETITION NO.5828 OF 2018

Sarjerao B. Paygude,
since deceased through L.Rs.
V/s.

...Petitioners

State of Maharashtra & Ors.

...Respondents

Mr.Y.B. Lengare for the the Petitioners.

Mrs.Rupali M.Shinde, AGP for the Respondent Nos.1, 2, 5 and 6.

CORAM : R.D. DHANUKA &
S.M. MODAK, JJ.
DATE : 2ND FEBRUARY, 2022.
(THROUGH VIDEO CONFERENCE)

P.C. :-

1. By this contempt petition, the petitioners seek initiation of action against the respondents nos.3 and 4 under the provisions of the Contempt of Courts Act, 1971 for the alleged contempt of the order dated 2nd July, 2018 passed by a Division Bench of this Court in Writ Petition No.5828 of 2018. By the said order dated 2nd July, 2018, this Court directed the respondent no.3 – Additional Collector, Pune to decide the application dated 12th March, 2018 as early as possible but in any case within six months from the date of the said order. It was made clear that the authority to decide the same on its

own merits.

2. It is the case of the petitioners that though the petitioners had pointed out specific plots for allotment in the said representation made by the petitioners, the respondents have not allotted same plots identified by the petitioners though available. The petitioners have thus filed this contempt petition.

3. Learned AGP has tendered affidavit in reply on behalf of the respondent nos.1 and 2. She submits that the respondents had addressed four letters i.e. 4th January, 2017, 18th April, 2018, 20th February, 2020 and 18th January, 2022 calling for consent of the petitioners for allotment of land in benefited zone of Panshet Project. The representation of the petitioners made on 12th March, 2018 has been already decided on 18th April, 2018.

4. The petitioners are not agreeable to the plots identified by the respondents to the petitioners pursuant to the said representation made by the petitioners. In our view, no contempt is committed of any order passed by this Court by the respondents. The contempt petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

5. If the petitioners are aggrieved by letter of allotment issued by the respondents for allotment of alternate land, the petitioners would be at liberty to challenge the said decision of the respondents.

If any proceedings are filed, such proceedings to be decided on its own merits.

(S.M. MODAK, J.)

(R.D. DHANUKA, J.)

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