

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

39 CONTEMPT PETITION NO.910 OF 2023
IN WP/1613/1990

1. Dashrath S/o. Baburao Kasar,
Age.59 Years, Occ. Agril,
R/o. Nimaj, Tq. Sangamner,
District Ahmednagar.
2. Suman W/o. Dashrath Kasar,
Age.53 Years, Occ. Agril. & Household,
R/o. Nimaj, Tq. Sangamner,
District Ahmednagar.

... Petitioners

Versus

1. Siddharam Salimath,
District Collector,
Collector Office, Ahmednagar.
2. Rajendrakumar Patil,
Additional District Collector,
Collector Office, Ahmednagar.
3. Suhas Mapari,
Additional District Collector,
Collector Office, Ahmednagar.
4. Shailesh Hinge,
Sub-Divisional Officer,
Sanganminer Division,
Sub-Divisional Office, Sangamner,
Dist. Ahmednagar.
5. Prakash Manjre,
Tahsildar, Sangamner,
Tahsil Office, Sangamner,
Dist. Ahmednagar.

... Respondents

...
Mr. Satyajeet S. Dixit, Advocate for Petitioners.
Mr. A. R. Kale, AGP for Respondent/State.

...

CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.

DATE : 28th November, 2023.

Per Court:

. The petitioners had filed a writ petition bearing No.1613 of 1990. The same was allowed in terms of prayer clause (D), restraining the Collector Ahmednagar from taking possession of the land of the petitioners, bearing Survey No.146 situated at village Nimaj. A copy of the said petition has not been placed on record. Subsequent thereto, the Collector again passed an order for taking over possession of the very land for some other purpose. The order is dated 21st September, 2023. Admittedly, the petitioners have challenged the said order before the Divisional Commissioner. They may pursue the said remedy. Since, admittedly, the Collector initiated proceedings for taking possession of the petitioners' land based on different cause of action, we are, therefore, not inclined to entertain this contempt petition.

2 In view of the above, the contempt petition stands disposed of.

3 The appeal preferred against the order of the Collector dated 21st September, 2023, would be decided by the authorities uninfluenced by this order.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]