

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

CONTEMPT PETITION NO. 11 OF 2023

Dhaku Dhondi Patil

..Petitioner

V/s.

Rahul Rekhawar And Ors.

..Respondents

Mr. Pradip D. Dalvi for the Petitioner.

Dr. Birendra B.Saraf Advocate General a/w. Mr.R.S.Pawar AGP
for the Respondent No.3.

**CORAM : R.D.DHANUKA, AND
GAURI GODSE, JJ.**

DATE : 30 MARCH 2023

P.C.

. By this Contempt petition the Petitioner has prayed for initiation of action against the Respondents under Contempt of Courts Act, 1971 for alleged wilfull disobedience of the order passed by this Court on 07/04/2022 in Writ Petition No.3894 of 2022 filed by the Petitioner .

2. This Court has passed various orders in this Contempt Petition directing the Respondents to comply with the orders passed by this Court on 07/04/2022. Dr.Saraf Learned Advocate General tenders copy of the order dated 01/03/2023 passed by Respondent No.3, which was already tendered before this Court on 02/03/2022. Learned Advocate General

tenders Affidavit in Reply filed by Shri Rahul Rekhawar, District Collector, on behalf of Respondent No.1 and has justified the delay in passing the order. It appears that the Respondents are unable to find out the documents relating to payment of compensation and accordingly contended that Rs. 2905/- does not tally with the 75% of the total compensation of Rs.16,135/-. It is submitted that in view of this fact the application for allotment of land filed by the Petitioner was not decided in time by the Respondent No.1. Be that as it may, since the Respondent No.1 and 2 have already passed an order in pursuance of the order passed by this Court on 07/04/2022 and subsequent orders passed by this Court in this Contempt Petition, we do not wish to initiate action under the provisions of Contempt of Courts Act, 1971 against the Respondents. Contempt Petition is accordingly dismissed.

3. The Petitioner would be at liberty to challenge the said order dated 01/03/2023 passed by Respondent No.2 on its own merits. It is made clear that this Court has not expressed its view, regarding the merits of the order dated 01/03/2023 passed by the Respondent No.2 rejecting the application for allotment of land by deciding the application in compliance

with the order dated 07/04/2022, All contentions of the both parties on merits are kept open.

GAURI GODSE, J.

R.D.DHANUKA, J.