

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 299 OF 2022
IN
WRIT PETITION NO. 4900 OF 2021

Shri. Ankush Sakharam Kadam & Anr. ..Petitioners
Vs.
The State of Maharashtra & Ors. ..Respondents

Mr. Y. B. Lengare for the Petitioners.
Mr. Rajan Pawar, AGP for State.

CORAM : G. S. KULKARNI &
JITENDRA JAIN, JJ.
DATE : JULY 19, 2023

P.C.:

1. We have heard Mr. Lengare, learned counsel for the petitioners and Mr. Pawar, learned AGP for the State.
2. This petition is filed alleging contempt of an order dated 20 October, 2021 passed by a co-ordinate bench of this Court. The operative portion of the said order of which breach is prayed by the petitioners, reads thus:-

“7. Considering the grievance as well as considering the orders passed by this Court dated 21st January, 2013 in Writ Petition No. 4197 of 2021 (Bhanudas Nanad Kalawade vs. State of Maharashtra and Ors) which is passed in identical circumstances, we deem it appropriate to dispose of the Petition with direction to Respondent

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No. 4 to decide the proforma application submitted by the Petitioner on 16.03.2016 as expeditiously as possible and not later than 8 weeks from the date of receipt of order of this Court.”

3. On 05 July, 2023, after hearing the learned counsel for the parties, we have passed the following order:-

“1. We adjourn the proceedings to **19 July, 2023 (H.O.B.)** finally as Mr. Pawar, learned AGP has placed on record a communication dated 03 July, 2023 addressed by the Additional Collector, Pune to the Deputy Commissioner (Resettlement), Pune recording that the land demanded by the petitioners at Village Khandale, Taluka Shirur falls within the master plan of benefited zone. Mr. Lengare, learned counsel for the petitioners, however, responding to such communication, makes a statement that the petitioners are not interested to have allotment at Village Khandale, and that, the petitioners are willing to accept the land as per the master plan at Village Vitthalwadi. The preference of the petitioners is for alternate land at Dingrajwadi capable of being allotted, can also be examined.

2. Let Mr. Ajay More, Additional Collector, Pune take appropriate instruction on such allotment and place the same on record of this Court by filing an affidavit on or before the adjourned date of hearing, so that further orders can be passed.

3. Stand over to **19 July, 2023 (H.O.B.)**.”

4. Thus it is clearly seen from the above order that not only the application of the petitioners dated 16 March, 2016 is decided, but in fact, allotment was made, but the allotment was not as per the choice of the petitioners. In this view of the matter, the petitioners cannot have any grievance in regard to non-compliance of the order for which the contempt is alleged.

5. We accordingly dispose of the petition recording that the order dated 20 October, 2021 stands complied. The petitioners are at liberty to take further appropriate proceedings, if any grievance of the petitioners still remains. All contentions of the parties in that regard are expressly kept open.

6. Disposed of. No costs.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]