

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.479 OF 2022

Sumita Sambhajirao Kadam & Anr. ...Petitioners

Versus

Sarjerao Mhaske, Deputy
Collector (Rehabilitation) & Ors. ...Respondents

Mr. Nitin P. Deshpande for the Petitioners.
Mr. A. I. Patel, Addl. G. P. a/w. Mr. R. S. Pawar, AGP for Respondent
Nos.1 to 5 (State).

CORAM : G. S. KULKARNI,
JITENDRA JAIN, J.J.

DATE : 21st JUNE, 2023.

P. C. :

1. Heard Mr. Deshpande, learned counsel for the Contempt
Petitioners and Mr. Patel, learned Additional Government Pleader for
Respondent Nos.1 to 5 (State).

2. The contempt has alleged in this petition is of an order dated
1st April 2022, passed by the Coordinate Bench of this Court in Writ
Petition No.3171 of 2021.

3. It is fairly pointed out by Mr. Deshpande that the State
Government had prayed for review of the order dated 1st April 2022 by
filing Review Petition (Stamp) No.19146 of 2022, which came to be
decided by a Coordinate Bench of this Court vide order dated 12th

January 2023. The review was allowed in the following terms:-

“6. In view thereof, review of the order is allowed and the Writ Petition need to be restored to its original position. In light of the above, we pass the following order :-

- (i) Order dated 1 April 2022 is reviewed and recalled. Writ Petition is restored to its original position.*
- (ii) Petitioners shall add CIDCO as party in the original Writ Petition.*
- (iii) With regard to the land at Koynaweale, the parties may take further steps.*
- (iv) Mr. Hegde waives service for the added party.*
- (v) Review Applications stand disposed of accordingly.*
- (vi) Place the Writ Petition before the appropriate bench as per roster.”*

4. As the order dated 1st April 2022, itself is reviewed and recalled, the cause for the Petitioners to pursue any contempt of the said order would not arise. The contempt petition has become infructuous. It is accordingly disposed of, with liberty to the Petitioners to resort to such further appropriate remedies, as may be permissible in law. All contentions of the parties in that regard are expressly kept open.

5. Disposed of. No costs.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]