

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 776 OF 2022
IN
WRIT PETITION NO. 589 OF 2022

Eknath Laxman Hadkar (decd) through LRs & Ors. ..Petitioners
Vs.
Mrs. Ashwini Balasaheb Sonawane (Jirange) & Anr. ..Respondents

Mr. Pradeep Dalvi for the Petitioners.
Ms. M. S. Bane, A.G.P. for State.

CORAM : G. S. KULKARNI &
RAJESH S. PATIL, JJ.
DATE : JUNE 12, 2023

P.C.:

1. This contempt petition is filed alleging that the respondents have breached the order dated 05 April, 2022 passed by a co-ordinate bench of this Court, in as much as the directions of this Court in paragraph 4 of the said order that the representations of the petitioners be decided within 4 months has not been complied. On the earlier occasion i.e. on 05 June, 2023, we had heard learned counsel for the parties, when we had passed the following order:-

- “1. We have perused the affidavit in reply and also additional affidavit.
2. Ms. Bane, learned AGP makes a statement that on or

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before the adjourned date of hearing, the decision taken by the Respondents in pursuance of the order dated 5th April, 2022 shall be communicated to the Petitioners. She states that although the decision has already been reflected in the affidavit as also in the additional affidavit filed by the State Government, the same has not been communicated to the Petitioners.

3. Before the adjourned date of hearing, the decision be communicated to the Petitioners.

4. Stand over to 12th June, 2023, to be placed 'High on Board'.

5. Parties to act on an authenticated copy of the order."

2. As directed by the above order, learned counsel for the respondent has placed on record compliance affidavit of Ms. Savetta Raghunath Lashkare, Deputy Collector (Rehabilitation), District- Kolhapur, who states that the directions of this Court in the above orders have already been complied by the respondents, as the petitioners' representation(s) have been decided by the respondents and a decision thereon has been communicated to the petitioners. The decision as taken by the respondents is dated 06 March, 2023 and a communication of the even date was made to the petitioners, a copy of which is annexed at Exhibit R-2 to the compliance affidavit.

3. Considering such affidavit, we are of the opinion that there is compliance of the directions of the orders passed by this Court. We may also observe that considering the nature of the order of which complaint

was alleged by the petitioners, it cannot be considered to be a willful and/or intentional disobedience of the order passed by this Court.

4. We accordingly dispose of this petition with liberty to the petitioners to file appropriate proceedings, in the event the petitioners are aggrieved by the decision taken and as communicated to the petitioners by a communication dated 06 March, 2023 of the District Collector (Rehabilitation), Kolhapur as noted above. All contentions of the parties in that regard are expressly kept open.

5. Disposed of in the above terms. No costs.

[RAJESH S. PATIL, J.]

[G. S. KULKARNI, J.]