

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

CONTEMPT PETITION NO. 66 OF 2023

Shankar Sakharam Walunj

...Petitioner

Versus

Uttam Patil, The Deputy Collector,
Rehabilitation, Pune And Ors.

...Respondents

....

Mr. Nitin P. Deshpande for the Petitioners.

Ms. P. J. Gavhane, AGP for the State.

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

DATE : 23rd AUGUST, 2023.

PER COURT:

1. Heard Mr. Deshpande, learned counsel for the Petitioner and Ms. P. J. Gavhane, AGP for the Respondent.

2. This contempt petition alleges that there is a non-compliance or intentional disobedience of an order dated 28th April, 2022 passed by a co-ordinate Bench of this Court in Writ Petition (St) No.25639 of 2021 filed by the Petitioner. By the order passed by this Court on such petition, the Deputy Collector (Resettlement), Pune was directed to examine the cases of the project affected persons with a view to ascertain whether they are project affected persons as claimed by them and whether they are entitled to

allotment of lands under the provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 and the consequential directions in that regard.

3. We note from the record that the Petitioner was issued a notice by the Deputy Collector, Rehabilitation Pune dated 23rd May, 2022 as annexed by the Petitioner to this Petition as Exhibit-C calling upon the Petitioner to remain present for hearing on 3rd June, 2022 at 11:30 a.m. with all the documents. From the averments as made in the Petition, it has not been stated by the Petitioner that he remained present with all the documents, which are in fact set out in the said communication of the Deputy Collector. What is annexed by the Petitioner is the Petitioner's letter dated 28th September, 2022 which is in fact recording incorrectly that the High Court has directed allotment of the land in favour of Petitioner. It appears that the Petitioner has not submitted the documents in responding to the notice of the Deputy Collector dated 23rd May, 2023.

4. In this view of this matter, we find that there is no intentional disobedience of the order dated 28th April, 2022 passed by this Court. The contempt petition is without merit and it is accordingly rejected. No costs.

5. However, dismissal of the contempt petition would not preclude the Petitioner from complying with the requirements as insisted by the Deputy Collector, Rehabilitation Pune in his letter dated 23 May, 2022. If, by any further communication the petitioner is called upon to present such details and in the event such documents/ details are submitted, let an appropriate decision in that regard be taken. These are merely passing observations as made by us and no further contempt petition on the basis of our this observation shall be maintainable.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]