



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

944 CONT. PETITION NO. 338 OF 2025  
IN WP/3631/2024

SHRIKRISHNA JANARDHAN KHARAD PETITIONER NO 1 THROUGH G  
P A PETITIONER NO 2 AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR  
AHILYANAGAR MR PANKAJ ASHIYA AND OTHERS

...

Mr. Kale Yogesh Damodhar, Advocate for the Petitioners

Mr. S. V. Hange, AGP for Respondents-State

, Advocate for Respondents

, Advocate for Respondents

Copy Served On Gp, Agp For R. Nos. 1 To 5 (waives)., Jagtap Adinath B.

For R. No. 6 And 7, Advocate for Respondents

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 19<sup>th</sup> SEPTEMBER 2025

PER COURT :-

1. Mr. Kale, learned counsel for the petitioners submits that vide order dated 27.11.2024, Writ Petition No.3631 of 2024 and Writ Petition No.5946 of 2024 came to be disposed of by this Court. He would further submit that the disposal was on the following terms :

*"I. Both the petitions stand disposed of, in view of the submissions recorded in this order.*

*II. The parties shall get their respective lands measured i.e. land Gat Nos.369 and 370 of village Dev Takali, Taluka Shevgaon, District Ahmednagar, within two months from*

*today by paying the requisite charges of the land record office on urgent basis, if not already paid.”*

2. Vide the present contempt petition filed in Writ Petition No.3631 of 2024, the petitioners contend that there is willful disobedience at the hands of respondent no.2 as regards to the directions passed in clause II of the order dated 27.11.2024. Mr. Kale, learned counsel for the petitioners prays to initiate contempt proceedings against respondent no.2.

3. Mr. Hange, learned AGP for respondent no. 4, submits that clause II of the order dated 27.11.2024 does not contain any directions to any authority, particularly respondent no. 2. He further submits that the parties to the writ petitions, particularly the litigating private parties, were at liberty to get their respective lands admeasured within two months from 27.11.2024 by paying the requisite charges to the authorities. Mr. Hange submits that, as there are apparently no directions to any authority, there is no act of disobedience to counter.

4. Mr. Kale, learned counsel for the petitioners was at pains to take me through page nos. 39 to 65 to demonstrate that respondent nos.6 to 9 have continued their illegal activities of carving out passage/road. Mr. Kale, further submits that in light of these facts, the present contempt petition is filed.

5. Upon hearing the parties at length, it is clear that clause II of the order dated 27.11.2024 does not reveal any direction to any responding government authority or any other authority, except that the litigating parties were at liberty, at their instance, to get their respective lands admeasured. As far as government authorities are concerned, there are absolutely no directions to them. Secondly, the petitioners' contention against the private respondents, concerning their act of expanding their way and thereby encroaching into the petitioners' land, which has prevented the petitioners from using their own way, falls beyond the purview of the present contempt petition. Regarding clause II of the order dated 27.11.2024, it is needless to mention that the petitioners are always at liberty to pursue appropriate legal remedies in respect of the alleged illegal acts of respondent nos. 6 to 9. However, for the reasons recorded above, I do not find any contempt committed by the responding parties concerning clause II of the order dated 27.11.2024.

6. In view of this, the contempt petition stands rejected in above terms.

**[AJIT B. KADETHANKAR, J.]**