



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION NO.26 OF 2023

PRAKASH @ PRASHANT PURSHOTTAM
GAUNS DESSAI

... PETITIONER

Versus

PRATAPRAO P. GAUNKER AND 4 ORS

... RESPONDENTS

Ms Vidhati S. Shetye, Advocate under Legal Services Authority for the petitioner.

Mr Manish Salkar, Government Advocate (through V.C.) for respondent No. 2.

CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.

DATED :- 11th June, 2025

P.C.

1. The Contempt Petition is filed alleging disobedience of the order dated 11.04.2022 passed by this Court in Writ Petition No.17 of 2022, when the Petitioner, a Member of Shree Sateri Shantadurga Devalaya, a Devasthan, had approached this Court seeking a writ of mandamus directing the Respondent No.1 to discharge his statutory duties and implement the judgment and order dated 15.04.2021 and recover an amount of Rs.18,09,417/- from the Managing Committee of the Devasthan.

2. Upon such a grievance being made, by recording that the order

dated 15.04.2021 is not challenged by either of the parties, the Division Bench of this Court was of the view that it is proper that such an order is implemented and the amount is recovered at the earliest.

The learned Counsel representing Respondents No.3 and 5, therefore, stated that the General Body meeting would be convened and some decision would be taken on the issue of recovery, which would be communicated to the Administrator within a week of the same being taken. In pursuance thereto, the Court expressed that the Administrator will then have to take out appropriate proceedings in terms of title IV of Chapter 1 of the Devasthan Regulations or any such statutory provision that would be attracted so that the amount be recovered.

3. The Petition came to be disposed of with the aforesaid direction, and the present Contempt Petition is filed alleging its disobedience.

4. We have carefully perused the order dated 11.04.2022 and heard the Counsel for the Petitioner who allege that the amount should have been recovered in terms of the order passed by this Court. Mr Salkar, the learned Government Advocate who represent the Administrator/Mamlatdar of Quepem, who has filed an affidavit, has invited our attention in specific to paragraph 11, wherein it is categorically stated that the Managing Committee vide letter dated 13.05.2022 submitted the Minutes of Meeting of the Mahajans of Sateri Devasthan. Vide memorandum dated 20.05.2022, the

Administrator, thereafter issued directions to the Managing Committee to file a civil suit against the erstwhile Managing Committee for recovery of money for adjudged financial irregularity with respect to the temple renovation work and more particularly with respect to the expenditure incurred in excess of approved budget amounting to Rs.18,09,417/-. The Managing Committee was also directed to file a criminal complaint against the defaulting Managing Committee that was in charge between 2016-2019.

Mr Salkar make a statement that, accordingly, the Managing Committee has filed a suit which is numbered as Regular Civil Suit No.56/2023/B before the Civil Judge Senior Division, which is pending for adjudication. Similarly, the Managing Committee has also filed criminal proceedings against the erring members.

5. For inviting an action under the Contempt of Court Act, 1971 it is necessary to establish that there is wilful and deliberate attempt to flout the orders passed by the Court, but in this case when we have perused the order dated 11.04.2022, what was directed by the Court was to take steps towards recovery of the amount which came to be determined by the Administrator of Devalayas/Mamlatdar of Quepem by its order dated 15.04.2021. This Court definitely did not expect the Administrator to act as Recovery Officer, but what was intended and therefore directed was that the amount should come back to the Devasthan and for that purpose a decision was taken to file a civil suit

and also to lodge a criminal complaint for prosecuting those erring members of the Committee who were responsible for the misappropriation or the defalcation of the amount. Upon this having been attained, law will take its course as the civil suit as well as criminal proceedings are already filed.

6. Not satisfied with the contention of the learned Counsel for the Petitioner that there is any wilful disobedience of the order, we do not deem it appropriate to take cognisance of the Contempt Petition filed against the Respondents. The Contempt Petition is, therefore, dismissed.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.