

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

CONTEMPT PETITION (STAMP) NO.12149 OF 2024

Devi Shantadurga and Ravalnath
Temple Mandir Trust

...Petitioner

V/s.

Mrs. Aishwarya Kalushe, SDO &
Deputy Collector, Sindhudurga and
Ors.

...Respondents

**WITH
INTERIM APPLICATION NO.11612 OF 2024
IN
WRIT PETITION NO.9145 OF 2024**

Devi Shantadurga and Ravalnath
Temple Mandir Trust

...Petitioner

V/s.

State of Maharashtra and Ors.

...Respondents

**WITH
WRIT PETITION NO.9145 OF 2024**

Devi Shantadurga and Ravalnath
Temple Mandir Trust

...Petitioner

V/s.

State of Maharashtra and Ors.

...Respondents

Dr. D.S. Hatle *with Mr. Deepak Jamsandekar for the Petitioner.*

Mr. Ankit Ranade *for Respondent Nos.5, 6, 8 and 10.*

CORAM : SANDEEP V. MARNE, J.

Dated : 10 January 2025.

P.C. :

1) Petition was filed mainly on account of issuance of order dated 24 January 2024 by the Executive Magistrate, Malvan, directing that the Petitioner and contesting Respondents shall jointly conduct the yearly *Jatra* (**festival**) at Devi Shantadurga Temple during 25 January 2024 to 29 January 2024 amicably, subject to the orders passed by the District Court. The Executive Magistrate rejected the request of the police for application of provisions of Section 144 of the Code of Criminal Procedure, 1973 against the Petitioner and contesting Respondents.

2) Perusal of the order dated 24 January 2024 would show that the same was only in respect of the festival that took place between 25 January 2024 to 29 January 2024. As a matter of fact, the Court of Civil Judge, Junior Division, Malvan has granted interim injunction by order dated 4 January 2020 against Defendant Nos.1 to 3 therein, which includes Vadacha Pat Gramvikas Mandal, Mumbai, its president, Devanand Sadashiv Palav and other Respondents by restraining them from organising any programme in Shri Devi Shantadurga and Shri Dev Ravalnath temples without the consent of the Petitioner -Trust. Miscellaneous Civil Appeal No.2 of 2020 preferred by the Defendants in the Suit challenging order of temporary injunction dated 4 January 2020 has been dismissed by the District Court by order dated 4 December 2023. This would essentially mean that Respondent Nos.8 to 10 cannot conduct any programme in the two temples without the consent of the Petitioner-Trust. In that view of the matter, the Executive Magistrate could not

have permitted Respondent Nos.8 to 10 to amicably or jointly conduct festival during 25 January 2024 to 29 January 2024 by order dated 24 January 2024. However, since the said order was only in respect of the festival that has already been conducted in January -2024, the said order has now come to an end and therefore nothing would survive in the Writ Petition.

3) The Petitioner-Trust has also filed Contempt Petition No.653 of 2024 alleging breach of temporary injunction granted by the Trial Court as upheld by the District Court. Additionally, Petitioners have also filed Interim Application No.11612 of 2024 expressing apprehension in respect of the interference by the contesting Respondents in respect of the festival organised during 13 January 2025 to 17 January 2025.

4) Mr. Ranade, the learned counsel appearing for Respondent Nos.5, 6, 8 and 10, on instructions makes a statement that his clients shall abide by order of temporary injunction granted by Civil Court on 4 January 2020 and shall not organise any festival in Shri Devi Shantadurga and Shri Dev Ravalnath temples. He would however, urge that order of temporary injunction dated 4 January 2020 cannot be construed to mean as if the concerned villagers can be prevented from attending and participating in the festival.

5) The statement made by Mr. Ranade is recorded and accepted and accordingly it is directed that Respondent Nos.8 to 10, who are Defendants in Regular Civil Suit No.86 of 2019 shall not arrange any festival in Shri Devi Shantadurga and Shri Dev Ravalnath temples during pendency of Regular Civil Suit No.86 of 2019. However, it

must be ensured that under the guise of attending or participating in the festival, Respondent Nos.8 to 10 shall not take over the role of organisers of the concerned festival.

6) Since nothing survives in the Writ Petition, the same is disposed of. Recording the statement made on behalf of Respondent Nos.5, 6, 8 and 10, the Contempt Petition is also disposed of. With disposal of Writ Petition, nothing would survive in the Interim Application, which is also disposed of.

[SANDEEP V. MARNE, J.]