

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

CONTEMPT PETITION NO.534 OF 2024

IN

WRIT PETITION NO.10541 OF 2023

WITH

WRIT PETITION NO.10542 OF 2023

Areef Gaphur Maniyar, age 47 Yrs.	]	
Occupation : Business, R/at Pali,	]	
Taluka Sudhagad, District Raigad.	]	... Petitioner.
V/s.		

- | | | | |
|----|---|---|-----------------|
| 1. | Shri Eknath Sambhaji Shinde |] | |
| | The Hon'ble Chief Minister, State of |] | |
| | Maharashtra & Competent Authority |] | |
| | Under Maharashtra Local Authority |] | |
| | Members Disqualification Act, 1986, |] | |
| | 6 th Floor, Mantralaya, Main Building, |] | |
| | Madam Cama Marg, Hutatma Rajguru |] | |
| | Chowk, Mumbai – 400 032. |] | |
| 2. | Shri Asheemkumar S. K. Gupta, |] | |
| | Principal Secretary, Urban Department, |] | |
| | Government of Maharashtra, 3 rd Floor, |] | |
| | Mantralaya, Main Building, Madam Cama |] | |
| | Marg, Hutatma Rajguru Chowk, |] | |
| | Mumbai – 400 032. |] | |
| 3. | The State of Maharashtra |] | |
| 4. | Pranali Nishikant Patil, |] | |
| | Age 32 years, Occupation : Household, |] | |
| | R/at. Post Pali, Taluka Sudhagad, |] | |
| | District Raigad. |] | |
| 5. | Vinayak Vithal Jadhav, Age 36 Yrs. |] | |
| | Occupation Service, R/at Opp. Vitthal |] | |
| | Mandir, Khadak Ali, Post Pali, Taluka |] | |
| | Sudhagad, Raigad 410 205. |] | ... Respondents |

Mr. C.G. Gavnekar, a/w Mr. Rohit Parab for the Petitioner.

Dr. Birendra B. Saraf, Advocate General, a/w Ms. Shruti D. Vyas, Addl. GP, and Ms. S. S. Bhende, AGP for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

RESERVED ON : 26th March, 2025.

PRONOUNCED ON : 9th May 2025

Judgment (Per : Kamal Khata, J) :-

1) This Contempt Petition alleges breach and willful disobedience of implementation of Order dated 3rd October, 2023 passed by this Court. The Petitioner asserts that, the Respondent No.3's Appeal against the Order dated 4th August, 2023 passed by District Collector, Raigad, was directed to be heard and finally disposed off at the earliest possible and preferably within 16 weeks from date of passing of the Order, but the same was not adhered to.

2) Mr. Gavnekar learned Advocate for the Petitioner contends that, despite the expiry of 16 weeks period on 23rd January, 2024 the Respondents failed to comply the said Order. He emphasizes that, even after a legal Notice was issued on 13th February, 2024 the Respondent neglected to act amounting to willful disobedience of the said Order, under Section 2(b) of The Contempt of Courts Act, 1971.

3) Dr. Birendra Saraf, learned Advocate General appearing for State submits that, while there was a delay, it was neither intentional nor willful. The Contempt Petition was served on 19th August, 2024 and was noticed by the concerned Authority on 3rd September, 2024. Since, the concerned

Officer, who was initially assigned the matter could not dispose it due to unforeseen circumstances; it had to be therefore delegated to another Officer who ultimately heard and disposed off the Appeal on 8th October, 2024.

3.1) Dr. Saraf further urges this Court to adopt a pragmatic interpretation of the term ‘preferably’ used in the Order, asserting that it should not be construed as an absolute deadline but rather as a guideline, considering the circumstances.

3.2) He also submitted that, the Petitioner’s apprehension was that the Appeal would be kept pending until the next election in 2026.

4) Upon hearing both sides, we do not find any willful delay and disobedience of Order of this Court dated 3rd October, 2023. In our view, the Courts had imposed a timeline keeping the Petitioner’s apprehension in mind.

5) We are inclined to construe to the word ‘preferably’ as an advisory period rather than a mandatory deadline in the facts of the present case.

6) Accordingly, we conclude that, since the apprehension expressed by the Petitioner has been effectively dispelled, there is no basis to sustain the present Contempt Petition.

7) In view of the above, the Petition is dismissed.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.).