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

**CONTEMPT PETITION NO. 194 OF 2025
IN
WRIT PETITION NO. 13596 OF 2017**

Shaikh Abdul Hamid Rehman	... Petitioner
V/s.	
The State of Maharashtra	... Respondent

Mr. Narayan G. Rokade a/w. Siddharth Ghodke, Mr. Abhang Suryawanshi, Mr. Camchandra Wagh for the Petitioner.

Mr. P. V. Nelson Rajan, AGP for Respondent Nos.1 & 2.

CORAM : AMIT BORKAR, J.

DATED : APRIL 8, 2025

PC.:

1. The petitioner has approached this Court seeking initiation of proceedings under the Contempt of Courts Act, 1971, on the ground that although this Court, by its order dated 22.02.2020, directed the Sub-Divisional Officer (SDO) to pass an order in accordance with law, the power has been exercised by the Tahsildar. It is the contention of the petitioner that such exercise of power by the Tahsildar amounts to willful disobedience of the directions issued by this Court.

2. Before proceeding further, it is necessary to consider the settled legal position as regards the expression "willful disobedience" under the Contempt of Courts Act, 1971. In order to constitute civil contempt, the disobedience must be willful,

deliberate, and intentional. Mere disobedience of an order does not necessarily amount to contempt unless the disobedience is willful and intentional.

3. In the facts of the present case, although it is evident that the Tahsildar has passed an order which is not in conformity with the specific direction issued by this Court directing the Sub-Divisional Officer to act, the conduct does not, however, assume the character of willful disobedience. At the highest, it can be said that the Tahsildar, who was not the designated authority under the order of this Court, has acted without jurisdiction. Such act may render the impugned order illegal and voidable, but does not ipso facto amount to willful disobedience so as to attract the provisions of the Contempt of Courts Act, 1971.

4. A mere error of judgment or misunderstanding of the terms of the order will not constitute contempt. There must be a clear, deliberate, and intentional disobedience. In the absence of any material to indicate that the Tahsildar's act was deliberate and contumacious, no case for initiation of contempt proceedings is made out.

5. Accordingly, in my considered opinion, the prayer for initiating action under the Contempt of Courts Act, 1971, does not deserve acceptance. Nevertheless, it is clarified that the rejection of the present contempt petition shall not come in the way of the petitioner challenging the impugned order passed by the Tahsildar on all available grounds, including the ground of lack of jurisdiction and competence to adjudicate the grievance.

6. It is pertinent to note that in Writ Petition No. 3723 of 2024, the petitioner had sought relief inter alia for initiating penal action against the Tahsildar under the provisions of the Contempt of Courts Act, 1971. However, the said writ petition came to be withdrawn by the petitioner with liberty to file an appropriate contempt petition. While the present contempt petition is being disposed of in the manner indicated above, it is clarified that such disposal shall not preclude the petitioner from challenging the legality, propriety, and validity of the impugned order passed by the Tahsildar by availing appropriate remedies as permissible in law.

7. It is well settled that the remedy of contempt is not a substitute for availing appellate or revisional remedies against an order alleged to be illegal. The power of contempt should not be invoked where ordinary remedies are available and the grievance essentially pertains to the correctness or validity of an order.

8. Hence, it is left open to the petitioner to assail the impugned order in appropriate proceedings before the competent forum.

(AMIT BORKAR, J.)