

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 CONT. PETITION NO. 108 OF 2026
IN WP/8264/2017

Sanjay So Shivram Mazalkar
VERSUS
State Of Maharashtra

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Mr. Pramod B. Gapat - Advocate for the Petitioner
Mr. R. S. Wani - AGP for the State

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CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.

DATED : 26TH MARCH, 2026

PER COURT : -

1. Heard the learned Advocate for the Petitioner. He submits that the order passed by the Coordinate Bench at the Principal Seat in Writ Petition No. 8264 of 2017 (Nikhil Suryakant Padalwar versus the State of Maharashtra and others, along with companion matters) on 08.03.2019, has not been complied with by the Respondents to date. In the said matter, the Joint Secretary of the Tribal Development Department had filed an affidavit stating that two Satellite Committees would be formed at Dhule and Kinwat, District Nanded, within a period of four weeks. It is also a fact that Government Resolution dated 13.09.2019 established seven new Scrutiny Committees at various places, including Dhule and Kinwat, District Nanded. However, by Notification dated 29.06.2022, issued by the Tribal Development

Department in exercise of the powers conferred by sub-section (1) of Section 6 of Maharashtra Act No. XXIII of 2001, the jurisdiction of the Kinwat Committee was notified to cover Nanded, Hingoli, and Latur districts. Despite this, the Scrutiny Committee, instead of functioning from Kinwat, District Nanded, is stated to be functioning from Chhatrapati Sambhajnagar.

2. Upon a query as to whether the present Petitioner, who was not a party to the matters before the Coordinate Bench in the original writ petitions, can file the Contempt Petition, the learned Advocate for the Petitioner, relying upon the Rules to regulate proceedings for contempt under Article 215 of the Constitution of India and the Contempt of Courts Act, and more particularly, Part II thereof, submitted that in case of contempt of Court other than the Contempt referred to in Rule 4, the Court may take action. - (a) Suo motu, or (b) On a petition made by the Advocate General, or (c) On a petition made by any person. He further submitted, in response to the query, that the order passed by the Coordinate Bench on 08.03.2019 has not been complied with, and that non-compliance of the said order constitutes continuing contempt. Therefore, the present petition is not barred by limitation.

3. It is to be noted that the Petitioner himself has come with a case that, as per the affidavit, the Government Resolution came to be issued on 13.09.2019, and such Scrutiny Committee/Satellite

Committee was formed for Kinwat, District Nanded. Thereafter, the Notification dated 29.06.2022 was issued. The grievance of the Petitioner is that, despite issuance of the Notification dated 29.06.2022, the Respondents have not established and commenced functioning of the Scrutiny Committee at Kinwat, District Nanded, and that the said Committee is functioning from Chhatrapati Sambhajnagar. According to the Petitioner, this amounts to a breach of undertaking.

4. However, Paragraph No. 3 of the affidavit, which was before the Coordinate Bench, is relevant, wherein it was stated that the authorities were in the process of forming two Satellite Committees at Dhule and Kinwat to reduce the burden on the existing committees at Nandurbar and Aurangabad, respectively, and that those two Satellite Committees would be formed within a period of four weeks. The said statement was accepted as an undertaking and necessary directions for establishment were issued. Now, the establishment of those committees has been carried out.

5. Certainly, taking into consideration the subject matter of the original petition i.e. to reduce the burden on the committees, if the jurisdiction has been altered subsequently, it cannot be said to be a deliberate breach or contempt. Therefore, even under the said Rules, though this Court may take cognizance on a petition made by any person, the Petitioner cannot be said to be a fit person to file the

Contempt Petition, as it has not been demonstrated how he is aggrieved by the alleged non-establishment of the committees as stated in the affidavit. We have already observed that there is no deliberate contempt or willful disobedience of the order or non-adherence to the statements made in the affidavit, as required under Section 2(b) of the Contempt of Courts Act.

6. In fact, we need not go into the aspect of limitation, however, alternatively, it was the establishment that was promised at two places to reduce pendency. The same has been established, and thereafter, by Notification dated 29.06.2022, the jurisdiction was changed. Therefore, the limitation would commence from the date of the said notification. The present petition, which has been filed in March 2025, is not within one year from the date of the said Notification of 2022 and is, therefore, barred by limitation.

7. In view of the above, the petition is dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE