



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CONT. PETITION NO. 24 OF 2026

GANPAT CHATRUBHUJ SHENDGE
VERSUS
GAURAV SAHEBRAO INGOLE AND OTHERS

.....
Advocate for the Petitioner : Ms. Nikita Sanjay Kirjawalekar
.....

CORAM : Y.G. KHOBRAGADE, J.
DATE : 29.01.2026

PC.:-

1. Heard the learned counsel for the petitioner. By the present petition, the petitioner has put-forth prayer clause-B and C as under:

“B. The respondent No. 1 to 4 may please be punished for the breach of order dt.24.04.2025 passed by the Additional Commissioner. Aurangabad in Revision Petition no.2025/ROR/REV/CR/128 under the provisions of Contempt of Courts Act, 1971.

C. The respondent No. 1 to 4 may please be directed to pay compensation of an amount of Rs. 50,000/- each to petitioner towards mental harassment as well as expenditure of proceedings in the interest of justice.”

2. Section 10 of the Contempt of Courts Act provides as under:

“10. Power of High Court to punish contempts of subordinate courts.—

Every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself:

Provided that no High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (45 of 1860).”

3. The learned counsel appearing for petitioner invited attention of this Court to Article 215 of the Constitution of India, wherein it is provided that every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself. In the case of **Dhondu Hanmant Reshim V/s. State of Maharashtra and Anr.; 1997 (3) Mh.L.J. 344**, wherein it has been held that Section 309 of the Maharashtra Land Revenue Code, 1966 the Revenue Tribunal constituted for the State of Maharashtra and that consists of President and other members. By notification issued by the State Government, the Commissioner of Bombay and Konkan Division has been made official member of the Maharashtra Revenue Tribunal. Merely because the Commissioner of Bombay and Konkan Division is made official member of Maharashtra Revenue Tribunal, it is difficult to appreciate the contentions of the learned counsel that the Commissioner hearing the appeal under Sub-section (5) of Section 50 of the MLR Code also acts as Maharashtra Revenue Tribunal. According to Section 247 of the MLR Code read with Schedule E the Divisional Commissioner is the appellate authority against the order of Collector. The Maharashtra Revenue Tribunal is not the appellate authority under Section 50 (5) against the order of Collector. Therefore, the Collector issued the notice of passing the order under Sub-section (3) of Section 50 or the Appellate Authority under Sub-section (5) of Section 50 of the MLR Code is not a Court within the meaning

as contemplated under the Contempt of Courts Act. Therefore, the Additional Divisional Commissioner while hearing the appeal under Sub-section (5) of Section 50 is not a Court under the Contempt of Courts Act.

4. In the case in hand, the petitioner prayed for action against the respondent nos.1 to 4 under Section 10 and 12 of the Contempt of Courts Act for breach of order dated 24.04.2025 passed by the Additional Commissioner, Aurangabad in Revision Petition 2025/ROR/REV/CR/128. Therefore, by considering the view taken by this Court in the above cited case, the Additional Commissioner, Aurangabad is not a Court under the Contempt of Courts Act. Therefore, the present petition is not maintainable and hence it is dismissed.

[Y.G. KHOBRAGADE, J.]