

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 395 OF 2013

Babusha Dhondiba Hole. ... Petitioner.
V/s.
Mr.Dadabhau Joshi, The District
Resettlement Officer and others. ... Respondents.

WITH
CONTEMPT PETITION NO. 396 OF 2013
WITH
CONTEMPT PETITION NO. 397 OF 2013
WITH
CONTEMPT PETITION NO. 400 OF 2013
WITH
CONTEMPT PETITION NO. 401 OF 2013

Gaurav Potnis with Mrs.Pallavi Potnis for the petitioners.
P.G.Sawant, AGP for the State.
Mrs.Aparna Murlidharan with P.G.Lad for Mr.Prakash Patil.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI, J.**

DATE : 21st April 2017.

PC. :

So far as Contempt Petition Nos.395/2013 and 397/2013 are concerned, Mr.Prakash Patil has placed on record his affidavit-in-reply. It is submitted that today he is no more in service since he has

retired. It is further submitted that as on the date of impugned order dated 26th February 2015 which was challenged in the writ petition, Mr.Prakash Patil was not in the department concerned since he was appointed as Chairman of the Caste Scrutiny Committee with effect from 8th June 2011 and he continued to hold the said position till his superannuation. According to him, since learned AGP at that time represented that the impugned order was passed by Mr.Prakash Patil such directions came to be issued on 1st September 2015 which requires the presence of Mr.Patil before the Court.

2. In view of the above explanation made by Mr.Prakash Patil, we direct learned AGP to look into the matter and tell us the correct state of facts by way of affidavit of the responsible officer.

3. It seems that though the contempt pertains to different orders, all the above contempt petitions are clubbed together. Mere allegation with regard to contempt cannot be taken as contempt being committed by the officer concerned. Therefore, each of the contempt petition should be considered separately.

4. The Registry is directed to de-tag the contempt petitions and list the same after ensuing Summer Vacation.

(G.S.KULKARNI, J.)

CHIEF JUSTICE