

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

906 CONT. PETITION NO. 369 OF 2012
IN WP/4719/2009

ALAKNANDA BHAGWANRAO BHUSAGARE
VERSUS
SURESH TUKARAM CHAVAN, CHIEF OFFICER, MUNICIPAL
COUNCIL, UDGIR

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Mr. Thombre S.S., Advocate for Petitioners;
Mr. P.V.Barde, Advocate For R/sole

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**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 18th JUNE, 2015.

PER COURT :

1) Heard. The petitioner is alleging violation of the directions issued by the Division Bench of this Court in Writ Petition No.4719/2009, decided on 24.11.2011.

2) The Division Bench of this Court, while disposing of the writ petition presented by the petitioner, directed the respondents to resort to appropriate steps in accordance with law in respect of the contentions raised by the petitioners that the respondent Nos.4 to 9 have made alleged encroachments

on the public property.

3) An affidavit in reply has been presented on behalf of the respondent - Municipal Council and in para No.4 thereof, it is stated thus, -

"4. Answering respondent states and submits that after following due procedure as laid down in law encroachment of Ramchandra Vitthal Patil, Kalawati Dhondiba Bhosale, Yogiraj Vaijanath Chirde, Digambar Lingraj Holikar is removed in the month of January 2013. Encroachment done by Tukaram Govind Chamale was also removed in the same month but it is recently notice that this person has cried out reconstruction on the place from where encroachment was removed hence fresh notice is given to him and by following procedure strict action will be taken against him. It came to the notice of the respondent that in place of Sant Dnyeshwar Mauli Primary School now there is government recognized Shri Ravindranath Tagore Balwadi run under the Sarva Shiksha Abhiya. This respondent has scheduled the hearing for this school and necessary steps will be taken against the said property as well. Some leniency is shown to this premise as nursery is the need of nearby residents and the encroachment is of temporary nature. This respondent has followed the directions of this Hon'ble court in its letter and spirit and has not committed any contempt. Encroachment on public property as alleged is removed to great extent and remaining will be cleared very soon."

4) Learned Counsel appearing for the Municipal Council, informs that except temporary structures raised by Ravindranath Tagore Balwadi run under Sarva Shiksha Abhiyan, all other encroachers have been evicted from the public property. So far as the case of Balwadi is concerned, it is being considered on sympathetic consideration and the operators of Balwadis have also been issued notices for removal of the structures. Learned Counsel further states that on consideration of the contents of the reply of the operators of Balwadis, appropriate steps in accordance with the provisions of law would be taken. In our view, no action for the alleged violation of order needs be taken. The Contempt Petition stands rejected. Notice issued earlier stands discharged.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/