

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO. 478 OF 2011
IN WP/2302/2001 WITH CA/8600/2012 IN CP/478/2011 WITH
CA/8573/2014 IN CP/478/2011

KHAJA SHABBIR QURESHI
VERSUS
THE STATE OF MAHARSHTRA AND ORS

...
Advocate for Petitioner : Mr. P.R. Katneshwarkar
AGP for Respondents 1 to 3: Mr. D.R. Korde
Advocate for Respondent No.4 : Mr. A.S. Barlota

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**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 24th MARCH, 2015

P.C. :-

1. Instant contempt application is presented by the applicant, who was admittedly not party to writ petition bearing No. 2302 of 2001. This Court, while disposing of writ petition No. 2302 of 2001, directed the Tahsildar, Jalna and Village Development Officer, Gram Panchayat, Shewali, to take appropriate steps for removal of unauthorized construction over Gat No. 354 (new) of Village Shewali, Taluka and District Jalna, particularly described in red colour mark in the village map at page 11 (Exhibit B) of writ petition compilation.

2. The petitioner states that the aforesaid order passed by this Court has not been complied with. The affidavit in reply has been presented

by the Tahsildar, Jalna on 9.2.2012 stating therein that the encroachment and the illegal construction has been removed as directed by the High Court. The contempt applicant persisted his stand and contends that the order has not in fact been complied with.

3. This Court, from time to time, issued several orders to ascertain truthfulness of contentions raised by the contempt applicant. In the meanwhile, writ petition bearing No. 777 of 2012 came to be presented by one Champalal Chunilal Raka and 11 others contending therein that although their occupation is not referable to the red portion indicated in the map, they are threatened with dispossession. While disposing of writ petition, the Division Bench of this Court directed the Collector to ascertain as to whether possession of petitioners in writ petition No. 777 of 2012 is referable to the red portion specified in the map presented on record in writ petition No. 2302 of 2001 and if it is found that their possession is referable to the red portion indicated in the map presented in the aforesaid writ petition, it shall be removed as directed by this Court earlier.

4. The Collector, after holding due enquiry, has presented his report on 4.2.2013 wherein it has been clearly stated that the possession of petitioners in writ petition No. 777 of 2012 is not referable to the encroached portion specified in the map presented alongwith the writ petition. Although the contempt applicant disputes the report presented

by the Collector, we do not propose to go into the contentions and direct further enquiry while considering present contempt application.

5. It is noticed by us that the writ petitioner, who presented writ petition bearing No. 2302 of 2001, has not approached this Court, however, the contempt applicant, who is resident of same village has presented the instant contempt application. The writ petition disposed of earlier was not treated as a public interest litigation. Apart from this, it is alleged by respondent No.4 that the contempt applicant is enraged because of demolition of unauthorized structure belonging to his relatives during the drive initiated by the revenue authorities in 2001 for ensuring compliance of directions issued by this court in writ petition No. 2302 of 2001. The bonafides of the contempt applicant are doubted. However, since it is noticed that there is substantial compliance of the directives issued earlier, in our considered view, instant contempt application need not be entertained. The contempt application stands dismissed.

6. All pending civil applications do not survive and stand disposed of.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

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