

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CP NO. 25/2015 IN WRIT PETITION NO. 3681 OF 1997

(Sitabuldi Merchants Association thr. Its Secretary Vijaykumar Madangopal Agrawal,
Nagpur vs. Smt. Manisha Patankar-Mhaiskar (IAS), Secretary, Urban Development
Department & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
FEBRUARY 12, 2015.

Heard Shri Mandlekar, learned counsel for the petitioners. He attempts to demonstrate the violation of orders of this Court passed in Writ Petition No.3681 of 1997 on 16.01.2001 and 02.02.2001. He also invites attention to orders dated 10.06.2002 disposing of writ petition and subsequent orders in Contempt Petition No. 15 of 2003. He states that as Nagpur Municipal Corporation already had a hawking and non-hawking zone policy since 2001, the subsequent judgment delivered by the Hon'ble Apex Court in the case of Maharashtra Ekta Hawkers Union & Anr. vs. Municipal Corporation, Greater Mumbai & Ors., delivered on 09.09.2013, cannot confer any benefit on the encroachers and encroachment must be removed.

During hearing, we find that the petitioners - Association has sent a representation dated 27.12.2014 voicing their grievance to the Hon'ble Chief Minister and a legal notice dated 10.12.2014 has also been served

personally on the Secretary, Urban Development Department, Municipal Commissioner, Commissioner of Police and other authorities.

Shri Mandlekar, learned counsel submits that no cognizance of legal notice or representation has been taken as yet by the authorities.

We are not inclined to go into the merits of the controversy at this stage. The petitioners should have made proper representation pointing out the subsequent judgments of the Hon'ble Apex Court and the law laid down therein, requesting the concerned officers in their official capacity to take cognizance of their grievance and to act as per law. That does not appear to have been done.

Hence, with liberty to the petitioners to take those steps and point out their grievance as per law to the officers who are authorized to deal with the issue, we dispose of the petition.

It is made clear that if the petitioners – Association find that their representation/ request is not being paid necessary heed within the reasonable time, it will be open to them to approach this Court again.

Contempt Petition is accordingly disposed of.
No order as to costs.

JUDGE

JUDGE