

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

916 CONT. PETITION NO. 611 OF 2016
IN WP/155/2016

SHAIKH BADARODDIN SHAIKH MAINODDIN
VERSUS
GRAMSEVAK G.P.OFFICE THROUGH BABURAO SHANKAR MUSLE
AND ANOTHER

...
Advocate for Petitioner : Survase Rajhans P
AGP for Respondent/State : A.P. Basarkar
Advocate for Respondents 1 & 2 : Biradar Manoj G.

...
CORAM : T.V. NALAWADE, J.
DATED : 15th December, 2016.

ORDER :

1. The petition is filed to take action like contempt of Court against respondent, who is Gramsevak of Village Panchayat Konali, Tahsil Deoni and against Sarpanch of the same village. Both the sides are heard.

2. It is the case of petitioner that he had filed civil suit and in connection with civil suit, Writ Petition No. 155/2016 was filed and in that petition, this Court had directed both the sides to maintain statusquo. It is contended that order was made on 16.4.2016, but after that the statue of one national leader was installed and so, the contempt is committed.

3. The submissions made show that suit was disposed of as dismissed for non prosecution. In any case, in view of the order made by this Court on 16th April 2016 and as there are Rules made in this regard, which are produced on the record by the learned AGP, this Court holds that the authority needs to take action against the respondents. It is surprising that even after making of specific Rules by the Government in the year 2005 that such statues cannot be installed at any public place without taking prior permission of the Committee constituted under Government Resolution bearing No. Smarak-3102/884/Case No. 122/2002/29 dated 2nd February 2005, the statue came to be installed. In the past also, there were Rules and subsequent to 2005 also, some Rules were made and on State level Committee was constituted.

4. Nobody can install any statue in public place without following the procedure given by the State Government. This is not only in the interest of public like to protect the people from nuisance, but it is also in the interest of people for other reasons like these matters have become sensitive matters and due to these matters, the peace, law and order also get disturbed. If somebody takes such step and installs statue, it is expected from the authority like Gramsevak and Sarpanch, who are

responsible for protection and maintenance of public place in village to take immediate action. Even the assistance and help of other authorities like Tahsildar and Police can be taken. If they fail to take action, then the higher authority like Collector is expected to act. They need to immediately remove the structure and statue and they need to be taken in custody. Unless such actions are immediately taken concerned will not fall in line. In these days, such immediate actions need to be taken and appropriate action needs to be taken against the person, who fail to take action like removal of statue. In view of the Rules, Guidelines given, this Court expects taking of proper action atleast against Gramsevak, who has filed reply in this proceeding, after giving opportunity to him of hearing. Action against Sarpanch also needs to taken like disqualifying him for holding such post. This is the job of aforesaid officers.

5. With the aforesaid observations present petition stands disposed of. Copy of this order is to be provided to learned AGP so that he will communicate the order to the Collector.

[T.V. NALAWADE, J.]

ssc/