

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

902 CONT. PETITION NO. 568 OF 2016
IN WP/1690/2016

PANDURANG GANGADHAR MEDEWAR
VERSUS
RAHUL ASHOKRAO REKHAWAR AND OTHERS

Shri. V.R. Bhumkar, Advocate, for petitioner.

CORAM: T.V. NALAWADE, J.

DATE : 15 OCTOBER 2016

ORDER:

1) The petition is filed for taking action of contempt of Court against respondents who are officers of the Parbhani Municipal Corporation. The proceeding is filed on the basis of some interim orders made by this Court in Writ Petition No.1690/2016. This Court had directed to maintain *status-quo* with regard to the property till next date of hearing and the order was made on 18-2-2016. It appears that on 6-5-2016 the petition was allowed and the matter of the present petitioner was restored in the trial Court. The grievance is that on 10-5-2016 a complaint came to be given to police by the officers of the Corporation that by making illegal

construction and encroachment he has committed offences under the local body Act. It is the case of the petitioner that filing of such complaint itself amounts to contempt of the Court. There are two things as follows. First, the interim relief was granted only in respect of the condition of the property and that was to remain in force till next date of hearing and the order was made on 18-2-2016 and the petition itself came to be disposed of on 6th May 2016. Second, in the judgment delivered by this court there is no mention that this Court had granted any kind of interim relief during pendency of the main matter which was restored. In any case the order could not have been treated as the order to prevent the authority from filing criminal complaint. Filing of present proceeding is nothing but misuse of process of law. The petition is dismissed with cost of Rs.10,000/- to be deposited with the High Court Legal Services Sub Committee Aurangabad. Registrar (Judicial) is to take steps for recovery of the cost.

Sd/-
(T.V. NALAWADE, J.)

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