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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CONTEMPT PETITION NO.209/2016

IN

WRIT PETITION NO.7736/2011

Balasaheb Nivrutti Solanke & others
..Petitioners..

Versus

Shri Ramanand Tiwari & others.

...Respondents..

.....

Shri R.R.Suryawanshi, Advocate for petitioners.

Shri.J.J.Patil, Advocate for respondent no.3.

Shri S.V.Mundhe, Advocate for respondent no.4.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 13.10.2016

ORDER :

1] Heard learned counsel for the parties.

2] According to the learned counsel for the petitioners, this Court under its order dated 30.12.2012 had directed the respondent – Municipal Council to take appropriate decision with regard to the representation of the petitioners dated 7.12.2010. The said representation

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was with regard to according permanency to the petitioners.

3] Learned counsel for the respondent no.4 submits that it is not within the powers of the Municipal Council to take decision about permanency. The Municipal Council has passed a resolution on the basis of representation of the petitioners and has forwarded it to the Divisional Commissioner and it is only for the Divisional Commissioner to take decision. At its end, the Municipal Council has complied with the order of this Court.

4] Upon perusing the order dated 30.12.2012 passed in Writ Petition No.7736/2011, it is clear that directions were given to the Chief Officer, Municipal Council, to take decision on the representation of the petitioners dated 7.12.2010. Pursuant to the said order, the proposal is already forwarded by the Municipal Council to the Divisional Commissioner. The Municipal Council at its end has not violated any order passed by this Court and has complied the same. It is not possible for it to take decision and the decision can only be taken by the Divisional Commissioner. The petitioners may approach the Divisional Commissioner in this regard and may also

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take such further steps as are permissible in law.

5] Considering the above, as the contempt stands purged against the Municipal Council and its authorities, the contempt petition is disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)