

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CONTEMPT PETITION NO. 271 OF 2014

IN

WRIT PETITION NO. 6789 OF 2012

Mr. Nikesh Eknath Kadke

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Vijay Suhas Gharat for the Petitioner.

Mr. V. S. Gokhale, AGP for the Respondent No.1.

Mr. Kamlesh Ghumre and Ms. Sonali Jadhav for the Respondent Nos.2 to 4.

CORAM : **A.S. OKA &**
C. V. BHADANG, JJ.
DATE : **7th JANUARY, 2016.**

P.C.

1. Heard the learned Counsel appearing for the petitioner. The real grievance is of the alleged breach of the order dated 23th November, 2012 in Writ Petition No. 6789 of 2012. The said order reads thus:

The grievance in this petition is that inspite of representation made by the petitioner, respondent no.4 has not taken steps against the illegal structure and running of a garage without permission referred to in the petition. In the circumstances, we dispose of this petition with a direction to respondent no.4 to consider the grievance of the petitioner made in this petition as a final representation and initiate appropriate action as may be warranted against the structure in question expeditiously. The respondent no.4 shall take appropriate decision in the matter not later than eight weeks from the date of producing copy of this order before him along with Writ Petition by the petitioner.

2. Petition is disposed of accordingly.

2. In the petition, it is admitted that the action of demolition of the illegal structure made by the 4th respondent in the writ petition who is the 5th respondent herein was taken by taken by the 2nd respondent. The grievance is that after the demolition, the 5th respondent herein has re-erected the structure.

3. By no stretch of imagination, it can be said that the 5th respondent has committed a breach of order dated 23rd November, 2012. Hence we decline to entertain the present contempt petition. Accordingly, the notice issued on 11th June, 2014 is discharged.

4. The petition is disposed of. However this order will not preclude the petitioner from filing appropriate proceeding as regards his grievance regarding illegal structure re-erected by the 5th respondent.

(C. V. BHADANG, J.)

(A.S. OKA, J.)