

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

Contempt Petition No.138 of 2016

(Siddheshwar s/o Panchappa Hawa
vs.

Shri Shrawan Hardikar, Commissioner, N.M.C., Nagpur)

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

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Court's or Judge's Orders

Shri S.S. Dhengale, Advocate for the Petitioner.
Shri J.B. Kasat, Advocate for the Respondent.

CORAM : S.B. SHUKRE, J.
DATE : 21st DECEMBER, 2016.

Heard the learned Counsel for the petitioner and
the learned Counsel for the respondent.

The learned Counsel for the respondent has
produced before the Court affidavit-in-reply of the proposed
contemptnor-Shri Shravan Pramod Hardikar. It is taken on
record.

A perusal of the affidavit-in-reply discloses that
some action for removal of certain portion of the unauthorised
and illegal construction was undertaken by the respondent.
But same could not be continued after the *status quo* order
was passed in the execution proceedings initiated by the
petitioner. The *status quo* order was passed on 17/10/2016.
It must be pointed out here that liberty to institute the
proceedings for execution was granted to the petitioner by

this Court on 1st July, 2016 and thereafter all these developments take place. It is clear that no *prima facie* case for willful disobedience has been made out. The contempt petition, therefore, deserves to be rejected summararily.

The contempt petition stands rejected.

*sdw

JUDGE