

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

**CONTEMPT PETITION NO. 427 OF 2011
IN
WRIT PETITION NO. 2063 OF 1998**

Sher Ali Sadat Ali & others

Petitioners.

Versus

The State of Maharashtra & another

Respondents.

Mr. M.K. Deshpande for the Contempt Petitioner.

Mr. Y.G. Gujrathi, A.G.P. for respondent Nos.1 to 4 and 6.

Mr. G.K. Naik Thigle, Advocate for respondent No.5.

CORAM : **RAVINDRA V. GHUGE
 AND
 SUNIL K. KOTWAL, JJ.**

Dated : 04-12-2017.

PER COURT :-

1. Pursuant to our orders, the Chief Officer of the Municipal Council, Beed namely Mr. Dhananjay Dattatray Jawalikar, is present in the Court. A detailed affidavit-in-reply dated 04.12.2017 is filed.

2. Learned Counsel for the petitioners has gone through the same and submits that though the illegal structures have been demolished and the road has been cleared off illegal encroachments, the foundations on which the illegal structures were erected are yet to be levelled and a new road will have to be constructed.

3. Learned Counsel for the Municipal Council submits, on instructions, that the tender proceedings have been initiated by e-tendering method on 16.11.2017. The tenders have been called till 11.12.2017. The cleaning operation would take about three months time as per the e-tender. It is submitted on instructions that once the road is cleared off, the laying of the new road would be completed within six months and by a conservative assessment, the learned Advocate for the Municipal Council states that this entire activity is likely to take about 9 months or little more.

4. Learned Counsel for the petitioner submits that the statement of the Municipal Council be noted and thereafter the Petition may be disposed of.

5. We have considered the statements made by the learned Advocates and their submissions. We have gone through the affidavit-in-reply filed today, as well as the colour photographs placed before us. There is no dispute that the illegal structures on the said area, which is included in the road widening activity, have been demolished. The debris have to be cleared and once the cleaning act is over, the Municipal Council proposes to lay a new road.

6. As such, by recording the statement made by the Municipal Council that the entire activity of laying down a new road would be completed approximately within a period of 9 months, we find that our orders have been substantially complied with.

7. This Petition is, therefore, disposed of and Contempt Proceedings are purged. Needless to state, the Municipal Council would continue its action of removing the debris swiftly and also take assistance of the Police Authorities, if required and as and when deemed appropriate.

(SUNIL K. KOTWAL)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE