

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

**CONTEMPT PETITION NO. 812 OF 2016
IN
WRIT PETITION NO. 7476 OF 2013**

Baburao s/o. Lacchhanna Odiwar .. Petitioner

Versus

Arvind s/o. Shivajirao Munde .. Respondent

Mr.V.P. Latange, Advocate for the petitioner.
Mr.B.A. Darak, Advocate for sole respondent.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 03.10.2017**

P.C. :-

1. Mr. Latange, learned Counsel submits that orders of this Court dated 22.06.2016 in Writ Petition No.7476 of 2013 are not followed by the respondent. The affidavit was filed wherein it was stated that the encroachment if found, then the Municipal Council would take action for removal of encroachment by following due procedure of law and in-case there are no prohibitory orders of the Court. Still no action is taken.

2. Learned Counsel for the Municipal Council submits that steps are taken. Civil Suit is filed by the encroacher. Thereafter, against the judgment of Civil

Court, appeals are filed, wherein orders were passed by the Appellate Court, granting time up to 15.05.2017, against which order writ petition is filed. It appears that civil proceedings are pending. Naturally steps that would be taken would be commensurate with the orders passed in Civil proceedings. In the light of above, it cannot be said that the respondent is guilty of contempt. The contempt petition is disposed of.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]