

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

CONTEMPT PETITION NO.24/2017

IN
WRIT PETITION NO.4189/2015 (D)

Santosh s/o Purushottam Bajaj

...Versus...

Smt. Meghna Wasankar, Chief Officer, Municipal Council, Pulgaon, Dist. Wardha
and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.I. Dhattrak, Advocate for respondent nos.1 and 2
Ms T.H. Udeshi, AGP for respondent no.3 & 4

CORAM : SMT. VASANTI A NAIK AND
V.M. DESHPANDE, JJ.

DATE : 08.03.2017

By this contempt petition, the petitioner seeks action against the respondents for disobedience of the order dated 30.11.2015 in Writ Petition No.4189/2015.

It is stated in the petition that though this Court had directed the respondents to remove the unauthorized construction, in accordance with the complaint made by the petitioner, the respondents have not taken any action in pursuance of the order dated 30.11.2015.

The respondent nos.1 and 2 have filed an affidavit-in-reply. It is stated in the affidavit-in-reply that the Municipal Council, Pulgaon did not have regular Junior Engineer (Civil) and the person holding additional charge of Junior Engineer had

on many occasions intimated vide communications dated 31.3.2016, 7.4.2016 and 1.6.2016 that action be taken according to the directions of the High Court. It is stated that after the new appointee (City Engineer) had taken over the charge on 26.9.2016, the concerned person was directed to remove the unauthorized construction. It is stated that since the person making unauthorized construction did not remove the same, the action of demolition was undertaken by the respondents on 21.2.2007 and the unauthorized construction was demolished. It is submitted that in the circumstances, as narrated herein above, it cannot be said that the respondents have disobeyed the directions in the order dated 30.11.2015.

On hearing the learned Counsel for the respondents, we find that there is a compliance of our order dated 30.11.2015. We had not directed the respondents to take action within a particular time. We had also not directed the respondents to demolish the construction and we had only asked the respondents to take appropriate action, if it is found that any person has made unauthorized construction. On a reading of the affidavit-in-reply filed on behalf of the respondent nos.1 and 2, it appears that the order of which contempt is alleged, is complied with.

Hence, the contempt petition stands disposed of with no order as to costs.

JUDGE

JUDGE