

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CONTEMPT PETITION NO. 137 OF 2017
in
Writ Petition No. 9918 of 2011

Satish S/o Soma Bhole & Ors.

Petitioners

V E R S U S

Dr. Nitin Kareer, Principal
Secretary Urban Development
Department, Mantralaya, Mumbai &
Ors.

Respondents

Mr. V.S. Deshmukh, Advocate, holding for
Mr. A.B. Kale, Advocate for the petitioners
Mr. S.M. Ganachari, A.G.P. for respondent/State
Ms. Priyanka Ladda, Advocate, holding for
Mr. R.R. Patil, Adv. for respondent Nos.2 & 3

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**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 22nd OCTOBER, 2018

ORAL ORDER :

Heard the learned counsel for the
petitioners.

2. The petitioners are before this Court with a
grievance that the order passed by this Court dated
23rd March, 2016 in Writ Petition No. 9918 of 2011 is

not complied with by the respondent-authority.

3. The Division Bench of this Court by considering the rival submissions of the parties was pleased to quash and set aside the order passed by the Urban Development Department, dated 13th November, 2009 and it was directed that respondent No.1 to decide the representation afresh after giving opportunity of hearing to the petitioner. The petitioner was granted liberty to place subsequent events before the authority. The Division Bench of this Court directed the authority to take a decision as expeditiously as possible without there being any stipulation of time. Though the petitioner submitted reminders to the concerned authority, the authority failed to take decision on the matter. The respondent No.1, Secretary of Urban Development Department, was to decide the application/representation of the petitioner.

4. The learned A.G.P. by inviting our attention to the affidavit filed by respondent No.1 Nitin Kareer, Principal Secretary Urban Development Department, Mantralaya, Mumbai, submitted that the authority, by following the order of this Court in letter and spirit, decided the application of the petitioner. The learned A.G.P. invited our attention towards paragraph No.5 of affidavit of respondent No.1 and submitted that even an opportunity of hearing was

granted to the petitioner, and immediately on 3rd April, 2017, the decision was communicated to the petitioner as the authority could not find any favour of the petitioner. The copy of order dated 3rd April, 2017 is also placed on record with affidavit-in-reply as annexure "A". If the petitioner is having any grievance against the order, he is at liberty to challenge this decision by availing an appropriate remedy in law.

5. As the order of this Court is complied with in letter and spirit, the grievance of the petitioner is addressed and redressed too. In view of this, Contempt Petition is disposed of accordingly.

[MANISH PITALE, J.]

[PRASANNA B. VARALE, J.]