

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

**9 CONT. PETITION NO. 857 OF 2018
IN PIL/12/2018**

**PANKAJ RAMJI SHIVBHAGAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Kanade Angad L
AGP for Respondents/State : Mr. K.B. Jadhavar
...

**CORAM : PRASANNA B. VARALE &
MANGESH S. PATIL, JJ.
DATE : 03.12.2018**

PC. :-

Heard the learned counsel for the petitioner.

2. The petitioner is before this Court with a grievance that the order of this Court dated 25.01.2018 is not complied with. The petitioner in an earlier round of litigation namely in P.I.L. No. 12 of 2018 was before this Court and considering the facts brought on record, the authorities were in the process of attending the grievance of the petitioner. The Division Bench of this Court thought it fit to issue directions only to the Divisional Commissioner, Aurangabad observing that he is the ultimate authority for Aurangabad Division and then observed that the Divisional Commissioner to issue appropriate directions to the concerned subordinate officers to take further steps within a stipulated period. The Division Bench of this Court

further made it very clear by observing that this Court had not expressed any opinion on the merits of the contentions raised in the petition.

3. It is the submission of the learned counsel appearing for the petitioner that on 04.08.2018 the Divisional Commissioner, Aurangabad issued directions to the Collector, Nanded. Perusal of this order show that in this order by way of detailed direction the Divisional Commissioner, Aurangabad directed the Collector, Nanded to take necessary steps and the pointwise steps are also referred to in the order. The submission of the learned counsel appearing for the petitioner is that though these directions are issued by the Divisional Commissioner, Aurangabad, there is no response from the District Collector, Nanded to the Divisional Commissioner nor the District Collector, Nanded submitted the report to the Divisional Commissioner. As such directions be issued to the District Collector, Nanded to comply the order of the Divisional Commissioner dated 04.08.2018.

4. We are unable to accept the submission of the learned counsel for the simple reason that by an order dated 25.01.2018 the Division Bench only directed the Divisional Commissioner to issue directions to the subordinate officers and accordingly the Divisional Commissioner issued directions to the Collector, Nanded. There was no specific direction issued to the Collector. Accepting the submission of the learned counsel for the petitioner would

certainly expand the scope of the present Contempt Petition and we are not inclined to expand the scope of this petition as contended by the learned counsel. The learned counsel then submitted that there is some delay in complying the order of this Court, though there is some delay in compliance of order of this Court, the delay is a marginal one and the order passed by the Divisional Commissioner, Aurangabad show that the Divisional Commissioner, Aurangabad complied the order of this Court in letter and spirit.

5. Considering these facts, we are disposing of the Contempt Petition. If the petitioner is having any other grievance he may avail appropriate remedies if so advised. With this liberty, the Contempt Petition is disposed of.

[MANGESH S. PATIL, J.]

[PRASANNA B. VARALE, J.]