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

**CONTEMPT PETITION NO.851 OF 2018
IN
WRIT PETITION NO.5384 OF 2017**

Prashant s/o Prabhuappa Dama,
Age: 40 years, Occu: Legal Practitioner,
R/o Shreeji Apartment, Flat No.5,
Town Centre, Aurangabad
At present R/o Plot No.215-A,
Shivshruti, Duplex-2, Cidco N-4,
Aurangabad, Tq. & Dist. Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary,
City & Industrial Development Department,
Mantralaya, Mumbai-32
2. Madhukarrao Ardad,
The Chief Administrator,
City & Industrial Development Corporation,
Aurangabad
3. Nipun Vinayak,
The Commissioner,
Aurangabad Municipal Corporation,
Aurangabad
4. The Administrative Officer,
Municipal Corporation,
Aurangabad
5. D. P. Kulkarni,
Assistant Director,
Town Planning,
Municipal Corporation,
Aurangabad
6. Deelip s/o Kisanlal Kela,
Age: 52 years, Occu: Business,
R/o Shreeji Apartment, Flat No.4,

(2)

Town Centre, Lokmat Nagar,
Aurangabad

..RESPONDENTS

Mr K. M. Nagarkar, Advocate for petitioner;
Mr S. Y. Mahajan, A.G.P. for respondent/State

**CORAM : PRASANNA B. VARALE
AND**

MANGESH S. PATIL, JJ.

DATE : 4th December, 2018

ORAL ORDER:

This petition is filed on an allegation that the respondents have committed an action of a willful disobedience of the order dated 21st March, 2018, passed by the Division Bench of this Court in Writ Petition No.5384 of 2017. On perusal of the said order which is placed on record at Exh.'B', we are of the clear opinion that the Division Bench of this Court, on considering the reply filed by the respondents, was satisfied that the grievance of the petitioner is redressed. In clear and unambiguous words, it is observed by the Division Bench of this Court that the grievance of the petitioner stands redressed.

2. It was submitted before this Court that the notices are given for removal of unauthorized construction and about change of user. On the backdrop of this statement, the Division Bench further observed that no further orders are necessary in the writ petition and needless to state that the parties have all the defences available in accordance with law. The petition was accordingly disposed of.

(3)

3. The petitioner is coming before this Court relying on representations submitted by him to the Corporation authority i.e. representations submitted to the Commissioner of Municipal Corporation, Aurangabad, dated 4th May, 2018, 21st May, 2018 and 29th September, 2018. Interestingly enough, even though the petition was disposed of and even though there were no directions issued to any authority by this Court, the petitioner in these representations to the Commissioner of Municipal Corporation and the other authorities of Municipal Corporation submitted that they are required to take necessary steps expeditiously, otherwise the petitioner is approaching this Court by filing contempt of Court proceedings. These representations are nothing but putting a pressure on the authorities. On the contrary, the authorities have submitted before this Court that the necessary steps are being taken by them and the matter is in progress and this Court was satisfied with the submissions made in the affidavit-in-reply and accordingly the order was passed.

4. It is our clear opinion that this contempt petition is nothing but an act of erroneous assumptions and presumptions of the petitioner and least to say, based on misreading of the order of this Court and nothing but ill foundation. As such, we are not inclined to entertain the petition. Resultantly, the petition is dismissed at the threshold.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)