

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5414 OF 2017

Mrs. Sunanda Eknath Bhaskar	Petitioner
V/s.	
State of Maharashtra & Ors.	Respondents

Ms. Devika M. Purav for the petitioner.
Mrs. R.M. Shinde, AGP for the State.
Mr. R.D. Soni I/b. Ram & Co. for respondent no.8.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 14th AUGUST, 2018

P.C.:

. Heard the learned counsels for the respective parties.

2. The petition is filed seeking direction to the respondent no.7/ Maharashtra State Electricity Board to remove installation of electronic gadget. It has brought to our notice that the petitioner had earlier filed the Writ Petition No.1093 of 2013 and the relief claimed in the present petition was also incorporated in the said petition. The said Writ Petition No.1093 of 2013 came to be disposed of by this Court by order dated 28th September, 2015. The operative part of the order reads thus

:-

“5. Considering the belated compliance and the apology tendered, the contempt notices issued against second and third respondents deserve to be discharged.

6. The Tahsildar, Junnar by his letter dated 14th September, 2015 has informed the District Collector (Revenue Branch), Pune that the construction carried out on land bearing Survey No.606/4 at Narayangaon, Taluka Junner, District Pune is illegal. Therefore, the District Collector (Revenue Branch), Pune will have to take action in accordance with MRTP Act.

7. Hence, we disposed of the petition by passing the following order :-

(i) The apology of Mr.Pralhad Nana Hiramani, Tahsildar, Junner, Pune is accepted. In view of the statements made in the affidavits of Mr.Pralhad Nana Hiramani and Mr. Jitendra Laxman Bhople, the contempt notices issued to them vide order dated 26th August, 2015 are discharged.

(ii) We direct the Tahsildar, Junner, Pune to forward to the District Collector (Revenue Branch), Pune the report dated 14th September, 2015 with all its annexures;

(iii) A copy of the report dated 14th September, 2015 submitted by the Assistant Director, Town Planning, Pune

along with all annexures be forwarded to the District Collector, Pune (Revenue Branch) as aforesaid within a period of two weeks from today;

(iv) The Tahsildar, Junner shall also submit an authenticated copy of this order along with the copy of the said report to the District Collector (Revenue Branch), Pune;

(v) The District Collector (Revenue Branch), Pune shall initiate appropriate action in accordance with the provisions of Sections 52 and 53 and other provisions of the MRTP Act as well as under the Maharashtra Land Revenue Code, 1966 against the persons responsible for carrying out illegal construction on Survey No.606/4, Narayangaon, Taluka Junnar, District Pune. The District Collector shall initiate action on or before 31st October, 2015.

(vi) It is obvious that after initiating action in accordance with law, the same will have to taken to its logical end;

(vii) The petition is disposed of in the above terms;

(viii) Though the petition is disposed of, the same shall be listed on 23rd November, 2015 under the caption of “directions” for reporting compliance. Compliance report shall be filed by the District Collector on or before 20th November, 2015. ”

3. It is the grievance of the petitioner that the order dated

28/09/2015 is not complied by the respondents. If the order dated 28th September, 2015 in Writ Petition No.1093 of 2013 is not complied with, the remedy is to file Contempt and not to file a separate petition for the same relief as claimed in Writ Petition No.1093 of 2013. The petitioners have already filed Contempt Petition. Hence, the petition is not maintainable and is accordingly disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)