

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

**CONT. PETITION NO.76 OF 2019
IN WP/7332/2014**

**RAVINDRA DNYANOBA REDDY AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. V.V. Kabade, Advocate for the petitioners
Mrs. R.P. Gour, AGP for the respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 06.02.2019

P.C. :-

1. Heard the learned Counsel for the petitioners.
2. The petitioners are before this Court with a grievance that the order of this Court dated 25.08.2014 is not complied with. There is violation of order of this court dated 25.08.2014, as such, this act of violation caused for an action against the respondents under the provisions of the Contempts of Court Act. On perusal of documents placed on record and on the backdrop of the submissions of the learned counsel, we are unable to entertain the petition and as such we are disposing the contempt petition at the threshold.
3. The two major grounds on which we are not inclined to entertain the petition are, firstly, this a petition filed in the year 2018 claiming violation of order of this Court in year 2014. Secondly, on perusal of order of this court dated 25.08.2014, it reveals that while issuance of notice, the Division Bench referred to the contentions raised before this Court on behalf of the petitioners. It was the contention of the petitioners that the Occupants/hawkers of the premises

at Ganjgolai Area are permitted to occupy the portion, which is earmarked for the development of the road. Thus, the Division Bench in clear and unambiguous words was pleased to observe that it would not be possible for this Court to consider the contentions of petitioner at this stage without considering the reply of the other side. Then this court observed that in any eventuality the public streets are meant for the use of the citizens and permitting encroachment on the portion of road would surely hinder the traffic. There cannot be any dispute on this observation of the Division Bench. The Division Bench observed that the Municipal corporation, Latur as such shall not permit rehabilitation of the occupants/hawkers on the portion earmarked for the road, subject to further orders those would be passed in this petition. Thus, the petition is still pending in this Court for further hearing disposal.

4. The learned Counsel for the petitioner had invited our attention to the documents placed on record. Now these documents only refer to the exchange of communication between the respondent authorities. Firstly, the Deputy Commissioner of Latur Municipal Corporation informed the Police Inspector of the Traffic Branch, Latur that his opinion is awaited on the issue of creation of Hawkers Zone. The perusal of this communication further shows that a list submitted by the committee of members is also provided. Then a communication in Annexure is also placed on record. Then there is also communication placed on record by the petitioner himself. The Police Inspector of Police Station, Gandhi Chowk, Latur informed the Commissioner

that the Commissioner may take appropriate steps for removal of the encroachment on the streets as, it is causing disturbance to the traffic in general and pedestrian in particular. Now all these communications show that the police authorities are aware of the problem of disturbance in traffic due to encroachers and the Corporation authority is following the due procedure and the provisions in the process of creation of Hawkers Zone. Now creation of Hawkers Zone is also one of the remedies balancing the equities, namely, permitting the Hawkers to carry out their business in a particular and peculiar area and then not causing disturbance to the pedestrians in general, as the place for running the business for the Hawkers would be a restricted and peculiar place.

5. Considering all these aspects, we are of the opinion that, it is only an impression carried out by the petitioners and this impression is ill founded. As we are not inclined to entertain the petition for the reasons above referred, we are dismissing the petition at the threshold with liberty to the petitioners for making prayer of early hearing of the petition before the appropriate bench or Court.

6. With these above observations the contempt petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]