

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

**CIVIL APPLICATION NO.8557 OF 2019
IN PIL/73/2019**

M/S. SABIR CONSTRUCTION PROPRIETOR SAYYED SHAHNAVAJ
SAYYED ABDULLA
VERSUS
SUBHASH MADHADEO ADAGALE AND OTHERS

Mr. D.P.Palodkar, Advocate for applicant
Mr. N.L.Jadhav, Advocate for respondent no.1
Mr. S.D.Ghayal, APP for respondent nos.2 to 4

**CORAM : PRASANNA B. VARALE
AND
R.G. AVACHAT, JJ.
DATE : JULY 24, 2019**

PER COURT :-

Heard Mr.Palodkar, learned Counsel for the applicant and Mr.Jadhav, learned Counsel for respondent no.1 (petitioner in Public Interest Litigation No.73 of 2019).

2. The only submission on behalf of the applicant, seeking recall of the order, was of creation of hindrance and obstruction of respondent no.1 in the on-going work allotted to the applicant – Contractor.

3. In Public Interest Litigation No.73 of 2019, the petitioner/present respondent no.1 had raised a grievance that in spite of making certain representations to the authorities and more particularly, to the Sub-Divisional Officer, no steps were taken by the office of Sub-Divisional Officer and the concerned Officer was sitting idle over the representations. By order dated 27.06.2019, this Court disposed of the P.I.L. with certain directions to the authorities. The respondent - Collector was directed to seek a report, which is submitted to the Sub-Divisional Officer on 07.12.2018 by the Chief officer, Municipal Council, Patoda and then to take appropriate steps. It was made it clear that the respondent - Collector would be at liberty to visit the spot or direct his subordinate to submit report by visiting the spot. The respondent - Collector was further directed to take appropriate decision on the applications/representations of the petitioner, as expeditiously as possible, and within twelve weeks of

the order of this Court. The aspect of offering opportunity of hearing was also considered by this Court and the Collector was permitted to afford opportunity of hearing to the necessary parties, including the petitioner and the Chief Officer of Municipal Council, Patoda. Thus, we see absolutely no reason to show indulgence and recall our order dated 27.06.2019. The application is thoroughly meritless.

4. Mr.Palodkar, learned Counsel for the applicant, at this stage, invited our attention to the application submitted to the Collector, Beed, at the instance of the applicant dated 08.07.2019. It is stated in the application that the applicant has been allotted the work of construction of road and the applicant is duty bound to conclude the work within stipulated period as per the tender conditions. It is further stated in the application that when the employees of the applicant proceeded on the site of work, the respondent no.1 and his associates caused

hindrance and disturbance in the work on the ground that there is an order of enquiry passed by this Court and till the enquiry is concluded, respondent no.1 and his associates would not permit the employees of the applicant to continue the work of construction.

5. We make it clear that our order dated 27.06.2019, giving afore-said directions to the Collector, was on the backdrop of pending representations before the Sub-Divisional officer and said order cannot be treated as a license granted by this Court to the petitioner to cause hindrance and obstruction in the public work. If the authorities are apprised of such hindrance and obstruction, they are at liberty to deal with the same as per the provisions of law.

6. With these observations, the application is disposed of.

[R.G. AVACHAT, J.]
kbp

[PRASANNA B. VARALE, J.]