

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

**CONTEMPT PETITION NO. 562 OF 2019
IN
WRIT PETITION NO. 1514 OF 2018**

Shridhar Vishwambar Deshmukh

..PETITIONER

VERSUS

Sunil Jaywant Deshpande and Another

..RESPONDENTS

....

Mr. B.R. Kedar, Advocate for petitioner

Mr. B.R. Sontakke Patil, Advocate for respondents

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**CORAM : P.B. VARALE AND
R.G. AVACHAT, JJ.
DATED : 06th FEBRUARY, 2020**

PER COURT :

Heard learned Counsel for the petitioner.

2. In response to our notice to the respondents, affidavit-in-replies are filed on behalf of Respondent No1. - Sunil Jaywant Deshpande, Chief Officer, District Town Planning Officer, Osmanabad as well Respondent No.2 – Vishal Shrirangrao Bhosale, Chief Officer, Municipal Council, Kallam. Though it is vehemently submitted by Mr. Kedar, learned Counsel for the petitioner that order of this Court is not complied with in its letter and spirit, on perusal of the replies we are of the opinion that order of this Court is duly complied with.

3. In so far as the reply of Respondent No.1 is concerned, it is stated that as the allegations were in respect of the encroachments carried out in the area of municipal limits of Kallam city, the Chief Officer of Municipal Council, Kallam was informed by way of communication dated 28th June, 2018 and was apprised of the order of this Court and then the Chief Officer was informed to take appropriate steps immediately. It was also informed to the Chief Officer that in case of any guidance, the Chief Officer can seek guidance from the office of Town Planning, Osmanabad. Copy of communication dated 28th June, 2018 is placed on record as Annexure R-1 to the affidavit-in-reply.

4. Another affidavit-in-reply is filed on behalf of Respondent No.2, wherein detailed reference is made to the sequence of events. It is stated that initially Mr. N.K. Patil was discharging duties as Chief Officer till 27th April, 2018. Subsequently, Smt. Sonam Deshmukh was working as Chief Officer from 27th April, 2018 to 27th May, 2018. Then Mr. Umakant Gaikwad was working as Chief Officer from 28th May, 2018 to 13th June, 2018 and thereafter Respondent No.2 took over charge from Mr. Gaikwad. It is then stated that in view of the directions of this Court, notices were immediately issued to the encroachers to remove the encroachment and in failure, the municipal council would take appropriate steps. Such notices were issued to nearly 185 persons/landholders/occupiers and enquiry was also conducted and the exercise of hearing was also undertaken by the authority. The noticees were also called upon to submit necessary documents in the course

of hearing. It is also stated that as the entire exercise requires more time than the stipulated period, application was moved in this Court for extension of time. Said application was allowed. Then it is stated that as there was large number of persons to whom notices were issued, apprehending some protest or opposition, necessary assistance from police machinery was also sought for so as to control any untoward situation if taken place. By way of illustration, two notices are also placed on record alongwith affidavit-in-reply issued to the encroachers. Then there is separate report annexed to the affidavit-in-reply, wherein it is mentioned that some of the noticees have approached this Court. It is stated in the affidavit-in-reply that several plot/land holders and occupiers have approached this Court by filing writ petition, wherein notices were issued to the municipal council and in some matters interim relief is granted by this Court. As such, the municipal council is unable to proceed further and is awaiting further orders to be passed by this Court in the petitions filed by the noticees. There is also a separate list of the land holders placed on record referring to 185 persons as the property holders.

5. Considering all these facts, we are of the opinion that the respondents have initiated all the necessary steps and the order of this Court is duly complied with. We see no reason to keep the contempt petition pending. Contempt petition is accordingly disposed of.

(R.G. AVACHAT, J.)

(P.B. VARALE, J.)

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