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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.36 OF 2021
IN
WRIT PETITION NO.676 OF 2019 (D)

Narendra s/o Madhukar Titurkar, Rajaji Ward, Ramtek, Dist. Nagpur

-vs-

Archana Wanjari, Chief Officer, Municipal Council Ramtek, Dist. Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Amit Choube, Advocate holding for Shri A. S. Manohar, Advocate
for petitioner.

Shri M. I. Dhattrak, Advocate for respondents.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : August 05, 2021

In Writ Petition No.676/2019 pursuant to the submissions made on behalf of Municipal Council, Ramtek that it would take action against the unauthorised construction made by respondent No.4 therein, it was directed that steps should be taken by the Municipal Council to ensure that the action initiated would be taken to its logical end unless obstructed by due process of law. Since necessary steps were not taken by the Municipal Council the present contempt petition has been filed. Today affidavit on behalf of the respondent No.2 has been placed on record in which it has been stated that on 10/06/2021 notice under Section 53 of the Maharashtra Regional and Town Planning Act, 1966 was issued to the respondent No.4 in the writ petition calling upon the said respondent to close down commercial use of the premises mentioned in the notice. It is further submitted that in view of general directions issued by the Urban Development

Department on 29/06/2021, the Municipal Council has been restrained from taking further steps for removal of encroachment and unauthorised construction from 01/06/2021 to 30/09/2021. In paragraph 5 of the affidavit it has been stated as under :

“ It is further humbly submitted that if this Honourable Court permits, the answering respondent to wait till 30th September, then the action of demolition will be deferred, otherwise answering respondent will undertake the action of demolition of unauthorised construction immediately. So also if this Honourable Court permits to wait till 30th September, thereafter the answering respondent undertakes to taken action in accordance with law and will take action of demolition of the excess unauthorised construction made by the respondent No.4 in Writ Petition No.676/2019.”

In the light of the general directions issued on 29/06/2021 the action initiated would have to be deferred till 30/09/2021. We however accept the statements made in paragraph 5 of the said affidavit on behalf of respondent No.2 that after 30/09/2021 it would proceed further in the matter as an undertaking to the Court. It is expected that the Municipal Council would abide by the said undertaking. Needless to state that if such undertaking is not complied with, the petitioner is free to approach the Court.

The Contempt Petition is accordingly disposed in view of aforesaid.

JUDGE

JUDGE