

Pdp

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

CONTEMPT PETITION NO. 338 OF 2021

**Yadnyeshwar Balkrishna
Karmarkar**

.. Petitioner

Versus

**State of Maharashtra, Thr.
Ministry of Revenue & Forest
& Public Works Department**

.. Respondent

Mr. Ashutosh R. Gole for petitioner.

Mr. M. M. Pabale, AGP for respondent nos.1 to 5/State.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: APRIL 28, 2023

P.C.:

- 1.** We have heard the learned counsel for the petitioner and the learned AGP for the respondents.
- 2.** The contempt is alleged of the order dated 31st July, 2014 passed by this Court in PIL No. 102 of 2010.
- 3.** The learned AGP submits that the order has been complied with. The encroachments have been demolished. The road has been cleared.
- 4.** According to the learned counsel for the petitioner, the respondents have taken up partial demolition. The entire unauthorized structures have not been removed. The width of the road as is appearing in the Development Plan is not totally free of encroachments.

5. The State authorities state that encroachments have been removed. We do not have the actual width of the road or the area of the road wherein the encroachments are taken place. The learned counsel for the petitioner relied on the photographs to substantiate that the entire encroachments have not been removed, though partial encroachment has been removed. According to the learned counsel recently on 1st March, 2023 permission has been granted by the Public Works Department (PWD) to the Grampanchayat to erect the temporary structure. The said permission could not have been granted. Said act of the PWD is beyond the purview of the contempt petition. Certain actions have taken place by the PWD and Grampanchayat.

6. In case the petitioner comes up with a specific case of encroachment as would be appearing in that case, the petitioner may take further course of action.

7. With these observations, contempt petition is disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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