



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CONTEMPT PETITION NO.790 OF 2024
IN WP/8844/2023

KAMLAKAR NAGOBA DOKE

VERSUS

VARSHA THAKUR-GHUGE, DISTRICT COLLECTOR, LATUR AND OTHERS

...

Mr. S.S. Thombre, Advocate for petitioner

Mr. V.K. Kotecha, AGP for State

...

CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 24th SEPTEMBER, 2024

ORDER :

1 Heard learned Advocate Mr. S.S. Thombre appearing for petitioner, who points out following order passed by this Court on 25.07.2023 in Writ Petition No.8844 of 2023 :

“3. Until further orders, the writ property shall not be disposed off and no encumbrances or third party interest, would be created by the Municipal Council.”

2 He points out that thereafter the petitioner had communicated to Chief Officer, Municipal Council, Nilanga, Dist. Latur on 03.08.2023 about the order passed by this Court and also points out the legal notice that has been stated to be issued by the petitioner through Advocate to Chief Officer

and other persons on 02.07.2024. It is the contention of petitioner that construction is going on, on the writ property and it is not made clear as to whether the layout has been sanctioned or not. Once again the legal notice has been issued by the petitioner to Chief Officer, Municipal Council, Nilanga on 16.07.2024 which appears to be almost the same notice.

3 However, the petitioner has also annexed the reply given by Chief Officer, Municipal Council, Nilanga on 11.07.2024 denying the contents of the notice dated 02.07.2024.

4 The first and the foremost fact to be noted is that what was granted by this Court was that until further orders writ property shall not be disposed of. Now, the petitioner has not produced any evidence to show that the property has been disposed of. The second relief which was granted that no encumbrances or third party interest would be created by Municipal Council. To this extent also there is no evidence produced. Under such circumstance, there is no necessity to take any action as prayed by the petitioner and, therefore, the petition stands dismissed at the threshold.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

agd