

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

**CONTEMPT PETITION NO.281 OF 2011
IN
PUBLIC INTEREST LITIGATION NO.38 OF 2008**

Anandrao Dhondiba Kandalkar ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

Mr. V. B. Tapkir for the Petitioner.

Mr P. P. Kakade, GP, Mr. O. A. Chandurkar, Addl. GP, Ms. A. A. Nadkarni, AGP for Respondent No.1-State.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 8th MAY 2024

P.C. :

Heard learned counsel for the Petitioner and learned
Government Pleader for the Respondent-State.

2. The present Contempt Petition has been filed alleging
non-compliance and thereby contempt of the order dated 20th

January 2010 passed by the Division Bench of this Court in Public Interest Litigation No.38 of 2008. The said order dated 20th January 2010 is extracted hereunder :-

"P.C.

The learned Assistant Government Pleader has placed before us an order passed by Tahsildar, Shirur, District Pune in respect of an illegal encroachment at Mauje Kavthe Yamai, Taluka Shirur which is on the public land. Photo copy of the order passed by the Tahsildar, Shirur duly authenticated by the learned Assistant Government Pleader is taken on record and marked "X" for identification purposes.

2. Before we dispose of this petition, we direct the Tahsildar, Shirur that he should prevent the said land from being encroached by any person/authority. Petition stands disposed of accordingly."

3. By instituting the proceedings of this Contempt Petition, it was alleged by the Petitioner that despite the aforesaid order dated 20th January 2010, the encroachment on the public land has not been removed.

4. Learned AGP has filed an Affidavit dated 13th March 2024, which is duly sworn in by Tahsildar, Shirur, Pune, wherein it has clearly been stated that the encroachment has been removed and the Panchanama in that regard has been prepared

and the said Panchanama has also been annexed to the said Affidavit.

5. Thus sofar as the compliance of the order dated 20th January 2010 is concerned, now it appears that the compliance has been made. However, the learned counsel for the Petitioner expressed apprehension that it is one and the same person who has been encroaching over the public land time and again and it is only intervention of this Court, the encroachment had been removed in the past.

6. In view of the above, we dispose of this Contempt Petition, however, with a strict warning to the revenue authorities concerned that in case anyone is found to encroach upon the public land, which is the subject matter of the instant case, such encroachment shall be viewed very seriously and appropriate action may also be initiated against the revenue officials.

7. We request the Government Pleader to appraise the Collector concerned of this order forthwith.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)