



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CONT. PETITION NO. 554 OF 2025
IN WP/1269/2020

SOPAN PUNDALIKRAO WAGHMARE
VERSUS
MAHESHKUMAR DOIPHODE

...

Advocate for the Petitioner : Mr. Gangakhedkar Shailendra Sharadchandra

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 28.07.2025

PER COURT :

Heard learned advocate Mr. Gangakhedkar for the petitioner-applicant.

2. He submits that this Court, in Writ Petition No. 1269/2020, vide order dated 24.01.2020 has continued the *status quo* order dated 02.11.2019 passed in Misc. Civil Appeal No. 43/2008. Nanded Waghala City Municipal Corporation is party to that proceeding. Mr. Gangakhedkar would further submit that the writ petition is admitted by the order dated 22.09.2021 and interim relief granted earlier is continued. The said order is in force till today. According to him, the respondent-Corporation has now granted the construction permission in favour of one Ashok Laxmanrao Bhujbal, who is not a party to the proceeding. As such, according to him, the respondent-Corporation has breached the order of *status quo* passed by this Court.

3. Perusal of the record shows that this Court while admitting the appeal continued the *status quo* order in respect of the property. According to Mr. Gangakhedkar, in pursuance to the construction permission dated 08.02.2025 given by the Corporation, now the said third party Ashok Laxmanrao Bhujbal and Sau. Indubai Ashok Bhujbal are raising construction

over the suit property. According to him the Corporation has therefore indulged into contempt. Apparently, the dispute in the original proceeding is in respect of plot No. 34 and 35 which are part of Gat No. 260 situated at Taroda (Bk) Tq. & Dist. Nanded. The respondent-Corporation is statutory authority or planning authority, who is envisaged with the powers to grant permission after following due process of law. The grant of construction permission would not constitute the breach of *status quo* order. Therefore, this Court is not inclined to accept the contention of the petitioner that the respondent-contemnor has breached the order of this Court.

4. In that view of the matter, the Contempt Petition is rejected.

(S. G. CHAPALGAONKAR, J.)

mkd/-