

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**942 CONT. PETITION NO. 131 OF 2022  
IN PIL/108/2017**

Baburao Rambhau Sapkal and Anr.

....Petitioners

**VERSUS**

Sunil Kendrekar

The Commissioner Of Revenue & Ors.

.....Respondents

.....

Mr. Deshpande Siddharth R., Advocate for the Petitioners

Mr. S. J. Salgare, AGP for Respondents - State

.....

**CORAM : R. G. AVACHAT &  
NEERAJ P. DHOTE, JJ.**

**DATE : 29.01.2025**

**PER COURT :**

1. This Contempt Petition is filed for non compliance of the order dated 27/09/2019 passed by this Court in Public Interest Litigation [PIL] No.108/2017.

2. The operative order of the said order reads as under :

“7. Thus, we dispose of the public interest litigation directing that if there are any encroachments on lands comprised in Gut Nos.556, 564 and 624, they shall be removed forthwith. As regards encroachments on land comprised in Gut No.1138, save and except such encroachees who have filed appeals before the Sub Divisional Officer, other encroachments would be removed forthwith. As regards the encroachees who have filed appeals before the Sub Divisional Officer we direct the Sub Divisional Officer to decide the appeals within three months from today. If the appeals are dismissed, land occupied by said encroachees who have filed the appeals would also be regained by the State within four weeks of the appeals being dismissed by the Sub Divisional Officer.”

3. Learned Advocate for the Petitioner submits that, except issuance of notices by the concerned Grampanchayat i.e.

Respondent Nos.4 and 5, no further steps are taken to comply with the said direction of this Court.

4. It is not in dispute that, all the Respondents in the Contempt Petition were also the Respondents in the said PIL. Though the land belongs to the local body, Respondent No.2 – Collector, being the revenue head of the District, cannot shirk his responsibility to ensure that, the order of this Court is complied with.

5. Learned A.G.P. appearing for Respondent Nos.1 to 3 seeks time to take instructions from Respondent No.2 – Collector as to what steps he has taken to ensure compliance of the order of this Court.

6. Leave to add the present incumbent in the office of Respondent Nos.1, 2 and 3.

7. Amendment be carried out within a period of one [1] week.

8. After the amendment, issue simple notice to Respondent Nos.1, 2 and 3, returnable on 28/02/2025.

**[NEERAJ P. DHOTE, J.]**

**[R.G. AVACHAT, J.]**