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

**CONTEMPT PETITION NO.54 OF 2018
IN
WRIT PETITION NO.7949 OF 2016**

Dhiraj Prakash Desale

..PETITIONER

VERSUS

Shri Dilip Pandharpatte & ors.

..RESPONDENTS

Mr L. S. Mahajan, Advocate for petitioner;

Mr K. S. Patil, A.G.P. for respondent Nos.1 & 4;

Mr Rahul Pawar, Advocate for respondent No.2;

Mr N. L. Choudhari, Advocate for respondent No.6

CORAM : PRASANNA B. VARALE

AND

AVINASH G. GHAROTE, JJ.

DATE : 11th September, 2019

ORAL ORDER:

The order was passed by this Court on 10th July, 2018, whereby the statement made on behalf of Zilla Parishad through learned Counsel was referred to.

2. Today, Mr Choudhari, learned Counsel appearing on behalf of respondent No.6 invited our attention to the order dated 7th February, 2019, passed by the Division Bench of this Court in Civil Application No.2262 of 2019. It would be useful to refer to certain observations

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made by the Division Bench in the said order dated 7th February, 2019, which read thus :

"4 It is the contention of the learned counsel for the applicant that Village Panchayat was not party respondent in the said proceedings and the statement was made wrongly and due to that statement, aforesaid order came to be passed.

5 According to the learned counsel, there is no construction on Government land, flood line or on any prohibited area.

6 The aforesaid order made by this Court is conditional and only if the construction is found within the flood line, prohibited area or on the Government land, the construction is to be removed. Thus, there is no order made by this Court to remove constructions which are not made within the flood line area, generally called red zone area or on Government land."

3. Our attention is invited to the document placed on record annexed to the affidavit-in-reply filed on behalf of respondent No.6 Shri. Anil Digambar Torawane, Village Development Officer, Grampanchayat, Kasare. The said document is work order dated 10th April, 2018, whereby the work is allotted to the successful tenderer for

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conduct of survey of three rivers, namely, Panjara, Kan and Jamkhedi and fixing red line and blue line to demarcate the flood line. The document also refers to the period for completion of work and i.e. twelve months.

4. Learned Counsel appearing on behalf of respondent No.2 – Chief Executive Officer, Zilla Parishad, Dhule prays for some time so as to file an additional affidavit-in-reply.

5. At the request of learned Counsel for respondent No.2, two weeks time is granted.

Stand over to 25th September, 2019.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

sjk