

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.50 OF 2014**

Nalini Nathuram Kore & Ors.
Versus
Girish Murji Shah & Ors.

....Petitioners.

...Respondents.

Mr. D.A.Barot, advocate for the Petitioners.

**CORAM : SMT. VASANTI A.NAIK
& SHRI C.V.BHADANG, JJ.**

DATED : February 17, 2015.

P.C.:

By this petition, the petitioner seeks an action against the respondents under the provisions of the Contempt of Courts Act, 1981 for willful disobedience of the undertaking tendered by the Corporation through the statement made by the learned counsel for the Corporation in the Court on 11.6.2002.

It is stated that the counsel for the Corporation had made a statement on 11.6.2002 in Writ Petition No.185 of 2002 that the Corporation would initiate appropriate action against the respondent nos.2 and 3 with regard to conversion of residential flat into a factory.

We do not find, on reading of the order dated 11.6.2002 that the counsel for the Corporation had given an undertaking that the Corporation would take appropriate action against the respondent nos.2 and 3 as expeditiously as possible. The statement to the aforesaid effect, though made by the counsel for the Corporation, was not accepted by this Court and it was not held that the same would be binding on the Corporation. We find from a reading of paragraph 4 of the order dated 11.6.2002 that this Court had declined to entertain the petition filed by the petitioners and the same was disposed of with a direction to the Deputy Director to decide the application filed by the petitioners under Section 22 of the Maharashtra Slum Area (Improvements, Clearance and Re-development) Act, 1981 within a period of six months. It is not the case of the petitioners that the application filed by the petitioners is not decided within a period of six months. The grievance of the petitioners is against the inaction on the part of Corporation in proceeding against the respondent nos.2 and 3. However, we do not find any direction to the Corporation authorities to take action against the original respondent nos.2 and 3.

In this view of the matter, the contempt petition is disposed of with no order as to costs.

(C.V.BHADANG, J.)

(MRS. VASANTI A.NAIK, J.)

