

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.97 OF 2014
IN
WRIT PETITION NO.2752 OF 2012

Hemant N. Gandhi

... Petitioner

Vs.

Municipal Corporation of Greater Mumbai & Ors.

... Respondents

Mr.Raj Singhania i/b Raj Juris for the Petitioner

Mr.E.P. Bharucha, Senior Advocate, for Respondent Nos.1 to 4

Mr.Amarendra Mishra for Resp. No.5

Mr.H.N. Vakil i/b M/s.Mulla & Mulla & Crawford Bailey & Caroe for Resp.
NO.7

Mr.Mohit Jadhav, AGP, for Resp. No.6 – State

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

DATE: 6th JANUARY, 2015

P.C.:

By this Contempt Petition, the petitioner seeks action against the respondents for willfully disobeying the order dated 14.10.2013 passed in Writ Petition No.2752 of 2012.

The petitioner had filed Writ Petition No.2752 of 2012 that was disposed of by this Court on 14.10.2013. According to the petitioner, this Court had issued certain directions to the Respondent – Corporation in paragraph 9 of the order dated 14.10.2013 but those directions have been

willfully disobeyed by the respondents herein. According to the petitioner, the Respondent No.5 in the said petition was washing cars in the premises in question without obtaining licence or no objection certificate from the concerned authorities and the said activities of the Respondent No.5, in the said petition, posed a risk and were hazardous. According to the petitioner, this Court had, by the order dated 14.10.2013 directed the Corporation to take action against the Respondent No.5 in the said writ petition if the Corporation was of the opinion that the actions of the Respondent No.5 were hazardous and risky and the respondent No.5 was washing the motor cars in the absence of any permission or licence. It is stated on behalf of the petitioner that despite the specific directions of this Court in the order dated 14.10.2013 in Writ Petition No.2752 of 2012, the respondents have deliberately failed to comply with the directions.

Mr.Bharucha, the learned Senior Counsel for the Corporation and its officers, submitted that the specific directions issued by this Court were duly complied with by the Corporation and its authorities and the said fact could be depicted from the documents annexed to the contempt petition. It is stated that it is clear from the averments made in paragraph 2 of the contempt petition that there is an ongoing dispute between the petitioner and respondent No.5 in the writ petition and the present contempt petition

is filed against the Corporation and its office merely to settle the score with the respondent No.5. It is submitted, by taking this Court through the reports of the Assistant Divisional Fire Officer and the Station Officer dated 8.1.2014 and 20.1.2014, that the Corporation has duly complied with the directions of this Court. It is stated that the premises in question were inspected by responsible officers of the Corporation on 8.1.2014 and necessary action was recommended. It is stated that it was found by the Station Officer after inspecting the premises on 20.1.2014 that the original respondent No.5 had stopped washing the motor cars in the premises in question and had proposed to open a Service Center of M/s.Hero Two Wheelers. It is stated that it is clear from the aforesaid documents annexed to the contempt petition that there is nothing more to be done by the Corporation in furtherance of the directions issued by this Court, by the order dated 14.10.2013.

On hearing the learned Counsel for the parties, it appears that the contempt petition is liable to be dismissed as the Municipal Corporation has taken appropriate action in the matter. It is clear from the documents annexed at annexure F to the contempt petition that the Corporation had duly inspected the spot and had found that the work of car wash and other works related to maintainance of the vehicles was in progress. It was

found that the work was done by the original respondent No.5 without securing the licence from the concerned authorities. Further action was recommended in the matter by the Assistant Divisional Fire Officer and a responsible officer was again asked to visit the premises and take necessary action. It appears that on 20.1.2014, the Station Officer visited the premises and found that the original respondent No.5 had closed the trade of washing and maintaining the motor cars and the respondent No.5 had proposed to open a service center for M/s.Hero Two Wheelers after securing the necessary permissions. It appears that there was nothing more to be done by the Corporation in the matter as the respondent No.5 had closed the trade of washing and maintaining the cars. We find from the perusal of the contempt petition and the documents annexed thereto, as rightly submitted on behalf of the Corporation and its officers, that the present contempt petition has been filed merely with a view to settle the score with the original respondent No.5.

In view of the aforesaid, the contempt petition is dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)