

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.10 OF 2015
IN
WRIT PETITION NO.1769 OF 2014

St. Vincent De Paul Co-op. Housing Society Ltd. & Ors.Petitioners.
Versus
Municipal Corporation of Greater Mumbai & Ors. ...Respondents.

Mrs. N.V. Sangaliker, advocates for the Petitioners.
Mrs. Vandana Mahadik, advocate for the respondent nos.1 to 4.
Mr. Amit Shastri AGP for the respondent no.5-State.

CORAM : SMT. VASANTI A.NAIK
& SMT. MRIDULA BHATKAR, JJ.

DATED : March 12, 2015.

P.C.:

By this contempt petition, the petitioners seek an action against the respondent nos.2 to 4 for willful and deliberate disobedience of the order dated 22.9.2014 passed in Writ Petition No.1769 of 2014.

According to the petitioners, though this Court had by an order dated 22.9.2014 passed in the Writ Petition No.1769 of 2014 directed the respondent-Corporation to decide the complaints filed by the petitioners within a period of twelve weeks, the respondents have not

decided the same.

Ms. Mahadik, the learned counsel for the Corporation states on instructions and on the basis of the order dated 6.2.2015 that the complaints made by the petitioner have been decided after hearing the petitioners. It is stated that there was some delay in deciding the complaints and since the delay on the part of corporation is not deliberate and intentional, the same needs to be condoned.

The learned counsel for the petitioners states on reading the order by which the complaints of the petitioner were decided that the grounds raised by the petitioners in the complaints have not been looked into by the Corporation while passing the order dated 6.2.2015. It is stated that the main objections of the petitioners ought to have been considered by the respondents.

We find on a reading of the order dated 6/2/2015 that the order has been passed by the Corporation after hearing the parties. Some reasons have also been recorded by the Executive Engineer, (Building Proposal) in the order passed on the complaints made by the petitioners. If the petitioners are not satisfied with the order of the Executive Engineer (Building Proposal), the petitioners have remedy.

However, on the submission made on behalf of the petitioners that some of the grounds raised by the petitioners in the complaints have not been considered by the Corporation, an action cannot be initiated against the respondents under the provisions of the Contempt of Courts Act. If the order allegedly suffers from illegality, the same could be subjected to challenge. The aforesaid reason, however, cannot be a matter of contempt.

In the result, the contempt petition is dismissed with no order as to costs.

(MRS.MRIDULA BHATKAR, J.)

(MRS. VASANTI A.NAIK, J.)