

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 62 OF 2014
IN
WRIT PETITION NO. 432 OF 2013

Bismilla Abdul Razak Sunsera .. Petitioner

Vs.

1. The Municipal Corporation of
Gr.Mumbai .. deleted
2. The Police Commissioner .. deleted
3. Hemant Parikh and anr. .. Respondents

Ms.Reema Salunkhe, for the Petitioner.

Mr.G.Agwarwal, for Respondent No.3.

Mr.Sukanta Karmakar, AGP for State.

Ms.K.H. Mastakar, for BMC.

**CORAM : NARESH H. PATIL AND
M.S.KARNIK, JJ.**

09th DECEMBER, 2016

P.C. :

. We have perused the order passed by Division Bench of this Court (Coram : S.J.Vazifdar & M.S.Sonak, JJ.) dated 24/06/2013 in Writ Petition No. 432 of 2013. Paragraphs 2 & 5 read thus :

“2. Respondent No.3 states that the alterations, if any, are not contrary to the original sanctioned plan which had not been implemented by the said firm of developers. In any event, respondent No.3 makes a statement that no further walls, partition walls or otherwise, are to be or will be

removed.

5. The Writ Petition is, accordingly, disposed of with no order as to costs. The BMC shall forward copies of any approvals or sanctions that may be granted in favour of respondent No.3 to the petitioner within two weeks of the grant thereof. The parties are always at liberty to challenge the same.”

2. Learned Counsel appearing for the Corporation submits that Corporation did not grant any approval to respondent No.3.

3. Learned Counsel appearing for the petitioner submits that respondent No.3 has violated the undertaking given to respondent No.2. He has constructed walls and certain portions which were to be removed. In paragraph 2, respondent No.3 made a statement that the alterations are not contrary to the original sanctioned plan. This issue is left open for consideration of the planning authority.

4. Contempt Petition is disposed of.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)