

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

CONTEMPT PETITION NO. 108 OF 2014

IN

WRIT PETITION NO. 1356 OF 2009

WITH

NOTICE OF MOTION (L) NO. 474 OF 2015

Navin Tilak Nagar Housing	}	
Society Association Ltd. and Ors.	}	Petitioners
versus		
Mr. U. P. S. Madan,	}	
IAS Commissioner, Mumbai	}	
Metropolitan Region	}	
Development Authority and Ors.	}	Respondents

Mr. Uday P. Warunjikar for the
petitioners.

Ms. Kiran Bhagalia i/b. Ms. Chitra Phadke
for respondent nos. 1 to 4.

Ms. Rupali Dixit i/b. Ms. Sharmila U.
Deshmukh for respondent nos. 5 and 6.

Mr. Umashankar Upadhyay - AGP for
respondent no. 7.

CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.

DATED :- APRIL 7, 2016

P.C. :-

After having heard both sides and finding that the
parties have been put in possession except those who are not
available, but an assurance is given that even they would be

handed over vacant possession of the premises, which are meant for them, we find that the contempt petition has served its purpose.

2) We clarify that if the quality of the construction is not proper, if the petitioners are not satisfied with the occupation certificate and other documents and feel that they would be again facing the same difficulties and problems for which they had approached the court earlier, they are free to pursue such legal action and against the MMRDA and others as is permissible in law. We do not think that the contempt petition can be converted into a substantive proceeding so as to enlarge and widen the scope as desired by the petitioners.

3) The contempt petition is disposed of. In view of the disposal of the contempt petition, the notice of motion does not survive and stands disposed of as such.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)