

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 255 OF 2015**

Lalit Mangalchand Soni ...Petitioner
Versus
Sunil Pabrekar Executive Engineer, R South Ward ...Respondents
& Ors

Mr JG Damani, *for the Petitioner.*
Mrs Madhuri More, *for the Respondent No.1.*
Mr S Murthy, *i/b Abhijeet Patil, for the Respondent No. 4.*

CORAM: G.S. PATEL, J
DATED: 3rd July 2017

PC:-

1. Heard.

2. The Petitioner is obviously involved in some other dispute with Respondent No. 4, one of his neighbours in the same building. He alleged contempt by officers of the MCGM by disobedience of an order of 21st January 2014. According to Mr Damani, by that order, a copy of which is at page 46, the Petitioner was allowed to remove a structure that the MCGM then said was unauthorised. The Petitioner claims that he did so and that the Respondents thereafter attempted to carry out further demolition including of portions that were not the subject matter of the first notice.

3. This is not the kind of matter that lends itself to the exercise of contempt jurisdiction. For one thing it requires a very great deal of speculation to resolve these disputed questions of fact—what further action the MCGM initiated and whether it was in fact proceeding against the same offending construction or some other construction. The Petitioner is always at liberty to apply to a Civil Court for suitable reliefs. The contempt jurisdiction, however, is not the appropriate one.

4. The Contempt Petition is dismissed. There will be no order as to costs.

5. The 4th Respondent had filed a separate Contempt Petition No. 589 of 2014. It will be listed on 10th July 2017.

(G. S. PATEL, J.)