

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

**CONTEMPT PETITION NO. 378 OF 2017
IN
WRIT PETITION NO.4892 OF 2017**

Small Wonder's Trust & Ors. .. Petitioners
Vs
Mira Bhayandar Municipal Corporation & Ors. .. Respondents
...

Mr. Suresh Rajeshwar for the Petitioners.
Mr. Mayuresh S. Lagu for the Respondent Nos. 1 & 4.
Mr. Suraj Naik for the Respondent No. 2.

**CORAM : A. S. OKA &
M. S. SONAK, JJ.**

DATE : 18th DECEMBER 2017.

PC. :

1] Perused the order dated 29th June 2017. Paragraph Nos. 1
and 2 of the said order read thus:

- 1 Heard the learned counsel for the petitioners, the learned counsel for the second Respondent and the learned counsel for the first respondent. The learned counsel for the first respondent on instructions states that an action will be taken by the first respondent-Corporation for implementing the order dated 9th December 2016 within a period of four weeks from today. We accept the said statement.*
- 2 In view of this statement, at this stage, it is not necessary to grant relief in terms of prayer clause (a) which is the only substantive prayer. By accepting the statement, we dispose of the petition.*

2] It is not in dispute that the action of demolition was taken

by the 1st Respondent and the order the dated 9th December, 2016 has been implemented. There is an affidavit to that effect filed by Shri Jagdish Kaluram Bhopatrao, the Ward Officer of Ward No. 5 of the Municipal Corporation. The grievance of the learned counsel appearing for Petitioners is that subsequently on 13th November, 2017 the offending structure has been re-erected.

3] The civil contempt is alleged on the ground of breach of undertaking by the 1st Respondent-Municipal Corporation which is recorded in the order dated 29th June, 2017. The undertaking has been substantially complied with. Therefore, no further action can be taken in this contempt petition. As regards illegal structure allegedly erected by the 2nd Respondent, the Petitioners will have to adopt appropriate remedy.

4] By accepting the statements made in the affidavit filed on behalf of the 5th Respondent, the contempt petition is disposed of.

(M. S. SONAK, J.)

(A. S. OKA, J.)