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

**CONTEMPT PETITION NO. 4 OF 2017
IN
WRIT PETITION NO. 859 OF 2016**

Sham Mohammed Choudhary ... Petitioner
Versus
Santhosh Kumar Dhonde & Ors. ... Respondents

Mr. Amerendra P. Jha, for Petitioner.
Ms. Pallavi Thakar, for MCGM.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATED: 16TH NOVEMBER 2017

PC:-

By this contempt petition, the petitioner seeks action against the respondent for wilful disobedience of the directions in the order dated 28th March 2016 in writ petition (L) no. 3237 of 2015.

It is stated on behalf of the petitioner that though this Court had by the order dated 28th March 2016 directed the respondent to grant a hearing to the petitioner and if any adverse order is passed, not to implement the said order for a period of two weeks thereafter, the respondents have disconnected the water supply to the premises of the petitioner without granting an opportunity of hearing and without waiting for the expiry of two weeks from the date of the order deciding to discontinue the water supply.

On hearing learned counsel for the parties and on a perusal of the affidavit in reply filed on behalf of the respondents, we find

that the petitioner has not made out any case for taking action against the respondents for wilful and deliberate non-compliance of the directions issued by the order dated 28th March 2016. As per our directions in the said order, the respondents had immediately restored the water supply to the premises of the petitioner. It appears that on 7th July 2016, the petitioner was granted an opportunity of hearing, though the said fact is disputed by the petitioner and a decision was rendered by the respondents on 2nd September 2016 in respect of the disconnection of the water supply to the premises. It appears that though the decision was rendered on 2nd September 2016, till 25th October 2016, the water supply was not disconnected. If the petitioner is otherwise aggrieved by the disconnection of the water supply, the petitioner has other remedies, however this could not be a matter of contempt.

In the circumstances of the case, we dispose of the contempt petition with no order as to costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)