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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 111 OF 2018

M/s. Kalyani Veg Hotel

.. Petitioner

Vs.

State of Maharashtra and ors.

.. Respondents

Mr. Mandar Limaye I/by Mr. Ketan A. Dhavle for petitioner.

Mr. M. M. Pabale, AGP for respondent no.1.

Mr. R. M. Pethe for respondent nos.2 and 3.

CORAM: NARESH H. PATIL, ACTING CJ. &
G. S. KULKARNI, J.

SEPTEMBER 24, 2018.

P.C.

1. The petitioner seeks following substantive relief :-

- (a) That the Respondent Nos.2 and 3 be suitably punished for the contempt committed by them of the order dated 9/3/2016 passed by Hon'ble High Court in Civil Writ Petition No. 3011 of 2016;
- (b) The Respondent Nos.2 and 3 be directed to purge the

contempt by restoring the movable structure to its original position and further decide the representation / application dated 19/3/2016 for regularization;

- (c) That the Respondent Nos.2 and 3 be directed to restore status-quo ante;
- (d) Pending the hearing and final disposal of this petition, the Respondents be restrained from damaging the said property.

2. It is submitted that earlier notice was issued to the petitioner under Section 53(1) of the Maharashtra Regional Town Planning Act, 1966 (for short the Act of 1966). The petitioner submitted an application for regularization under Section 53(3) of the Act of 1966. The respondent – Corporation suddenly demolished the subject structure.

3. We have seen the photographs placed before us, particularly photograph at page 47.

4. In the facts, we observe that petitioner may resort to alternate remedy in case the petitioner is aggrieved by the act of the Corporation

causing damage to the subject property of the petitioner. All issues on merits are kept open.

5. With the aforesaid observations, petition is disposed of.

G. S. KULKARNI J.

ACTING CHIEF JUSTICE

Pravin
Dasharath
Pandit

Digitally signed
by Pravin
Dasharath Pandit
Date: 2018.09.24
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