

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

***CONTEMPT PETITION (ST.) NO.11725 OF 2018
IN
WRIT PETITION (ST.) NO.19183 OF 2017***

Shree Rameshwar SRA CHS Ltd. & Anr. .. Petitioners
Vs.
State of Maharashtra & Ors. .. Respondents
And
Mrs.Shobha Maruti Navle
Mr.Ramkrishna Genu Borade (respondent nos.5 to 7)
Mr.Genu Bhagwan Borade .. Contemnors

Mr.S. G. Surana i/by Mr.Madhur Surana for the petitioners.
Ms.K.N.Solunke, AGP for the respondent nos.1 to 3-State.
Ms.Raveena Yadav i/by M/s.Ashok Purohit & co. for the respondent
no.4-SRA.
Mr.Pradeep Thorat a/w Mr.Durgesh Jaiswal for the respondent nos.5 to 7.

***CORAM : R.D. DHANUKA, J.
DATE : 4th July 2018***

P.C.:

. By this contempt petition, the petitioners seek initiation of action against the respondent nos.5 to 7 under the provisions of the Contempt of Courts Act, 1971 on the ground that the respondent nos.5 to 7 had allegedly willfully committed breach of their undertakings rendered before this Court on 20th July 2017 in the writ petition.

2. Mr.Surana, learned counsel for the petitioners invited my attention to the order dated 20th July 2017 and also to the undertakings rendered by the respondent no.6 on behalf of the respondent nos.5 and 7.

3. Learned counsel for the petitioners invited my attention to the letter dated 28th August 2017 from the respondent nos.5 and 7 to the authority stating that possession of the respective structures was handed over to the authority with a request not to demolish the said structures. He submits that thereafter the authority appears to have decided the eligibility of three sons of the respondent no.7 in respect of those structures. It is submitted that the structures were thus not handed over to the petitioner in compliance with the undertakings rendered before this Court by the respondent no.6 on behalf of the respondent nos.5 and 7. The said contempt petition is opposed by all the respondents by filing affidavit-in-reply.

4. Mr.Thorat, learned counsel appearing for the respondent nos.5 to 7 invited my attention to the letter dated 28th August 2017 from his client to the developers stating that possession of the impugned structures were handed over to the petitioner. He also invited my attention to the letter dated 18th October 2017 from the petitioner to the respondent nos.5 and 7 admitting that the structures which were occupied by the respondent nos.5 and 7 were demolished by the petitioner society. Learned Deputy Collector (Enc./Rem) has also filed an affidavit placing on record that the structures of the respondent nos.5 and 7 were demolished by the petitioner no.1 society on 18th October 2017.

5. A perusal of the record clearly indicates that the respondent no.6 who had given an undertaking on behalf of the respondent nos.5 and 7 had complied with the said undertaking given to this Court and had handed over the impugned structures to the petitioners for demolition. It

is an admitted position that the petitioners had demolished the said structures handed over by the respondent nos.5 and 7.

6. In so far as the argument of the learned counsel for the petitioners that eligibility of the sons of the respondent no.7 is decided by the competent authority in respect of those structures is concerned, this Court cannot go into the said issue in this contempt petition.

7. In my view, this contempt petition is thoroughly misconceived and is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.