

Rajshree More

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

CONTEMPT PETITION NO.358 of 2015

IN

WRIT PETITION NO.5939 OF 2010

Mr.Dinesh Natvarlal Makani & Ors.

..Petitioners

v.

Vasai-Virar Municipal Corporation & Ors.

..Respondents.

Mr.Rajiv Jadhav alongwith Mr.Bharat Puneekar i/by India Legal Solutions, for the petitioner.

Mr.Atul G. Damle, Senior Advocate i/by Ms.Swati H. Sagvekar, for the respondent Nos.1 to 3.

**CORAM : A.S. OKA &
P.N. DESHMUKH, JJ.**

DATE : 5th FEBRUARY, 2018

P.C.

1 The challenge is to the order dated 26th August 2014. There is a reply filed by Shri Ramesh Mankar, who is Assistant Commissioner of the Vasai-Virar Municipal Corporation-the respondent No.1. Firstly, the officer has tendered apology for the delay in paragraph No.2. Thereafter, there is some explanation for the earlier non-compliance. Exhibit -D is the letter dated 30th August 2017 issued by the In-charge Assistant Commissioner of the Municipal Corporation. Apart from the said letter, there are other documents placed on record showing that illegal construction found by the Corporation has been removed.

2 The learned Counsel appearing for the contempt petitioners

submits that the illegal construction has not been removed and what is stated in the communication dated 30th August 2017 is erroneous. If that be so, the remedy of the petitioners is to challenge the said communication and inaction on the part of the Municipal Corporation in accordance with law.

3 Suffice it to say that though belatedly, the Municipal Corporation has complied with the directions of this Court. By accepting the apology, the Contempt Petition deserves to be disposed of. Accordingly, we accept the apology tendered by Shri Ramesh Mankar on behalf of the Municipal Corporation and the contempt notice issued is disposed of.

4 However, we make it clear that we have not made any adjudication on the correctness of the contents of the documents annexed to the Affidavit and remedies of the contempt petitioners in that behalf are kept open.

5 Accordingly, Contempt Petition stands disposed of.

(P.N. DESHMUKH, J)

(A.S. OKA, J)