

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION (L)NO.118 OF 2017 IN
WRIT PETITION (L) 3054 OF 2017

Mr.Vinod Sanglikar with Mr.Tushar Kochale and Ajay Jankar and Mr.Jankar and Yogesh Morbale for the Petitioners

Mr.Sukanta Karmakar , AGP for State

Mr.Anil Sakhare, Senior Advocate with Ms Geeta Joglekar with Ms Pallavi Thakar for the respondent-MMC

P.C.:

2 The learned counsel for the petitioner on
instructions states that the petitioner is not in a
position to accept the accommodation offered to him.

3 The respondents have filed affidavit of Ms Alka Sasane, Assistant Municipal Commissioner of H/East Ward. In paragraphs 7 to 10 of her affidavit, she has explained the circumstances under which the structure of the petitioner was demolished. She has stated that from 14th November 2017, mass demolition drive started when a mob consisting of 100 to 150 people pelted stones on the municipal staff and some of the police personnel got injured. Though breach is committed, obviously it is not intentional or deliberate. Moreover, the Municipal Corporation has offered alternate commercial accommodation to the petitioner. Therefore, this is not a fit case to initiate action under the Contempt of Courts Act, 1917.

4 Therefore, by accepting the apology tendered in the affidavit, the contempt petition is disposed of.

5 The learned counsel for the petitioner on instructions submits that the petitioner is not willing to accept the accommodation offered to him in terms of the letter dated 3rd May 2018.

6 We direct the Municipal Corporation to ensure that the said accommodation is not allotted to any one else till 15th June 2018. Till the said date, the petitioner can always accept the said accommodation without prejudice to his rights and contentions in the main writ petition.

7 If the petitioner is willing to accept the

accommodation, he shall be placed in possession within a period of 10 days from the date of execution of necessary documents by the petitioner.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)