

Jsn

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

**CONTEMPT PETITION (L) NO. 119 OF 2017
IN
WRIT PETITION (L) NO. 3179 OF 2017**

Laharilal Khimraj Jain

... Petitioner

Versus

Alka Sasane – AMC / H East Ward & ors.

... Respondents

Mr. Vinod Sangvikar and Mr. Tushar Kochale for the Petitioner.
Mr. A.Y. Sakhare, Senior Counsel and Mr. J.S. Xavier and Ms.
K.H. Mastakar for Respondent – BMC.
Mr. Rajiv Mane, AGP for Respondent – State.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATE: 20TH JULY, 2018.

PC:-

1. The allegation made in this Contempt Petition is that inspite of ad-interim order of status quo passed by a Division Bench on 15th November, 2017 in Writ Petition filed by the Petitioner, the Respondent Nos.1 to 3 who are the officers of the Mumbai Municipal Corporation have high handedly demolished the Petitioner's structures in breach of the order of status quo passed by this Court.

2. One of the contemnors Shri Kartik Gandhi on behalf of the contemnors has filed an Affidavit dated 27th April, 2018. In paragraph 5 of the Affidavit, it is stated that a mass demolition

Jitendra
Shankar
Nijasure

Digitally signed
by Jitendra
Shankar
Nijasure
Date: 2018.08.09
15:02:41 +0530

drive in the particular area was undertaken from 14th November, 2017. It is pointed out in paragraph 7 that by 17th November, 2017, about 667 structures were demolished. It is pointed out that the law and order situation was created on 14th November, 2017 and a large mob collected which indulged in stone pelting as a result of which three police personnel have suffered injuries. It is pointed out that 80 staff members of the Mumbai Municipal Corporation and 100 police personnel were deployed for the demolition. It is accepted that the structure was demolished in the special drive conducted from 14th to 17th November, 2017. It is pointed out that while cranes and JCBs were being used, the structure was inadvertently demolished.

3. Going by the statements made in the Affidavit, it appears that though there is a breach of the ad-interim order, the same cannot be said to be a deliberate or intentional breach. Therefore, this is not a case where action under the Contempt of Courts Act can be initiated.

4. Accordingly Contempt Petition is dismissed.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)