

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

**CONTEMPT PETITION NO.465 OF 2017  
IN  
PUBLIC INTEREST LITIGATION NO.18 OF 2016**

Sachin Anil Choughule and another ..Petitioners  
Versus  
State of Maharashtra and others ..Respondents

Mr. Vishwajit P. Sawant a/w Mr. Nikhil Patil, Mr. Prabhakar Jadhav & Akansha Kalyan Purkar, Advocates for the Petitioners.  
Mr. K. S. Thorat, AGP for Respondent No.1.  
Mr. S. S. Aradhye, Advocate for Respondent No.2.  
Mr. I. M. Khairdi, Advocate for Respondent No.3.  
Mr. P. G. Lad a/w Ms. Priyanka Naik, Advocate for Respondent No.4.

**CORAM : PRADEEP NANDRAJOG, C.J. &  
SMT. BHARATI DANGRE, J.**

**DATE : 11<sup>th</sup> SEPTEMBER, 2019**

**P.C.**

- 1] Heard learned counsel for the parties.
- 2] Contempt alleged is the non-compliance of the directions issued by the Division Bench vide order dated 17<sup>th</sup> March 2017 disposing of PIL No.18/2016.
- 3] The Division Bench noted that the 5<sup>th</sup> Respondent, a contractor who had to effect constructions on a land belonging to

Maharashtra State Road Transport Corporation had deviated from the sanctioned plans. The order noted that in spite of a notice issued under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 by the Municipal Council, no final order was passed. The Division Bench directed the Municipal Council to take its notice dated 5<sup>th</sup> March 2015 to its logical end.

4] The reply brings out that Respondent No.5 sought compounding/regularization of the deviations from the sanctioned plans and on charging compounding fee in sum of ₹ 10,33,215/- deviations were regularized.

5] Counsel for the Petitioners urges that the direction in the order dated 17<sup>th</sup> March 2017 requiring the notice dated 5<sup>th</sup> March 2015 to be taken its logical end means that the unauthorized deviations had to be demolished. Compounding was not permissible.

6] We do not agree. Deviations which are capable of being regularized stand at a different footings vis-a-vis deviations which are not capable of being regularized by way of compounding.

7] The direction to take the show-cause notice to its logical end cannot be read to mean that if permissible, the deviations were incapable of being regularized requiring the notice dated 5<sup>th</sup> March 2015 to be disposed directing demolition threat.

8] Clarifying that the issue whether regularization/compounding is valid has not been gone into by us, we discharge the notice of contempt issued observing that the Petitioners would be entitled to challenge the compounding/regularization by way of a substantive Petition.

**SMT. BHARATI DANGRE, J**

**CHIEF JUSTICE**