

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.434/2016

Jilani Usman Sheikh

... Petitioner

V/s.

Municipal Corporation of Greater Mumbai

... Respondent

Ms. Swati P. Gautam for the Petitioner

Mr. Joel Carlos a/w. Santosh Parad for the Respondent

CORAM: K.K. TATED, J.

DATED : FEBRUARY 22, 2019

P.C. :

1 Heard. By this Contempt Petition, the Petitioner alleges that though the Bombay City Civil Court, Mumbai, by order dated 05.02.2008 directed the Respondent corporation to follow due process of law before demolition, the Respondent, without following due process of law demolished the suit structure on 15.08.2015. Hence, the Respondent be dealt with under the provisions of the Contempt of Courts Act.

2 The learned counsel for the Respondent submits that after following due process of law they demolished the suit structure on 15.08.2015. In support of his contention, he relies on letter dated 17.09.2013 from the Petitioner to the Ward Officer, letter dated 24.09.2013 from the Petitioner to the Civil Head, MMOPL and letter dated 25.09.2013 addressed to the Petitioner. He submits that bare reading of these letters show that the

Respondent has followed the due process of law before taking any action about the demolition. He submits that even the Petitioner, in one of their letters admitted that the suit structure has already been demolished and they applied for reconstruction. Therefore, there is no question of taking any action against them under the Contempt of Courts Act.

3 It is to be noted that bare reading of the letters dated 17.09.2013, 24.09.2013 and 25.09.2013 itself shows that the Respondent has followed due process of law and thereafter demolished the suit structure. In view of these facts, I do not find any reason to entertain the Contempt Petition.

4 Hence, the Contempt Petition stands rejected. No order as to costs.

(K. K. TATED, J.)