

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 522 OF 2015

IN

WRIT PETITION NO. 9153 OF 2014

Jitendrasingh Kashmirsingh Nile

..Petitioner

Vs.

The Municipal Commissioner

and Others

..Respondents

Mr. Y. R. Shah, for the Petitioner.

Mr. S. M. Kamble, for Respondent No.1.

Mr. P. G. Sawant, AGP, for the Respondent State.

**CORAM:-S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATE :- NOVEMBER 13, 2019.**

P. C.:

The above Contempt Petition is filed by the Petitioner alleging that the Respondents have committed contempt by not complying with the order passed by this Court on 23rd February, 2015. The said order is reproduced hereunder:-

“ The petitioner's grievance is that he has submitted a plan for construction of residential building in the year 2008. The said application for seeking permission to the plan is still kept pending.

2. Learned Counsel appearing for respondents submits that by a communication dated 26th May, 2010, the respondent called upon the petitioner to submit the necessary map which has not been submitted so far.

3. *Without expressing any opinion on the merits, we direct that the petitioner shall approach respondent no.2 in respect of his application filed or plan submitted, if any. The respondent no.2 shall intimate the petitioner the deficiencies, if any, in the application. The petitioner shall thereafter be given sufficient time to submit any documents and necessary orders be passed on his application.*
4. *The petitioner shall attend the office of respondent no.2 on Monday, 2nd March, 2015 at 11.00 a.m.*
5. *With these directions, writ petition is disposed of.”*

2 The Corporation has filed an affidavit dated 8th November, 2019 wherein it is stated that after the order was passed by this Court on 23rd February, 2015, they had fixed the hearing on 6th February, 2016. After hearing the Petitioner, who was represented by one Kamlesh Sutar, the application filed by the Petitioner was rejected on the grounds which are set out in the order which is communicated to the Petitioner by letter dated 5th November, 2016.

3 In view thereof, the question of the Corporation having committed any contempt does not arise. The Contempt Petition is accordingly dismissed.

4 Needless to clarify that the Petitioner is at liberty to impugn the order dated 6th February, 2016 on merits.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)