

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

CONTEMPT PETITION NO.17 OF 2014
IN
WRIT PETITION NO.276 OF 2007

Heeralal son of Murlidhar Chaturvedi ... Petitioner

Vs

1(a) V.R. Karanne and Ors. ... Respondents

Mr.Heeralal Chaturvedi, party in person
present.

Ms.Rupali Adhate for MCGM.

CORAM :- S. C. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.

DATE :- JULY 18, 2019

P.C. :-

1. Having heard Mr.Chaturvedi, party in person, we do not think that in contempt jurisdiction, the petitioner can achieve indirectly, something, which he has failed to achieve when he filed the initial writ petition, on which, this Court passed an order on 24th April, 2007.

2. On 24th April, 2007, this Court passed the following order.

“It is the case of the petitioner that he was tenant in the premises which has been demolished by respondent No.2. The said premises was reconstructed without having due sanction from the respondent No.1. It is his case that his room has not

been reconstructed. It is further his case that he has made representation on 12th October, 2006 and till date, it has not been decided.

Considering the said controversy, we direct the respondent No.1, after hearing the petitioner as well as respondent No.2, to dispose of the matter according to law at any rate not later than 12 weeks from today.

With the above observation, petition disposed of.”

3. The said writ petition was disposed of on 24th April, 2007 and there was an corrected order on 29th June, 2007.

4. The communication from the petitioner, copy of which is at page 242 of the paper-book, itself suggests that he understands the orders of this Court as mandate to demolish, but that is not what the order says. The order only mandates taking a decision, whether construction was with permission or otherwise. Having decided that part of the issue in terms of this Court's order, merely because the Municipal Corporation is failing to initiate the action in accordance with law, meaning thereby, taking recourse to Section 351 of the Mumbai Municipal Corporation Act, 1888 or Section 52 or 53 of the Maharashtra Regional Town Planning Act, 1966, does not mean that there is a contempt. Contempt is a distinct and separate power conferred in this Court. The petitioner before us cannot insist that we must haul up the officers of the Municipal Corporation in contempt simply because the structure is still not demolished.

5. The petitioner has other remedies, but, surely, contempt petition is not the remedy available to him. The contempt petition is, therefore, misconceived and it is dismissed.

(SANDEEP K. SHINDE, J.)

(S.C.DHARMADHIKARI, J.)