

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

**CONTEMPT PETITION NO.423 OF 2014
IN
PUBLIC INTEREST LITIGATION NO.181 OF 2010**

Subhash Dattatraya Saste ... Petitioner

Vs

State of Maharashtra & Others ... Respondents

With
**CONTEMPT PETITION NO.424 OF 2014
IN
PUBLIC INTEREST LITIGATION NO.20 OF 2011**

Shri Pradeep Vithal Girme ... Petitioner

Vs

State of Maharashtra & Others ... Respondents

Mr.Siddhesh Pilankar h/f Mr.U.P. Warunjikar for the Petitioner in
CP/423/2014

Mr.Nitesh Bhutekar for Petitioner in CP/424/2014

Mr.P.B. Shah for Respondent Nos.2 & 3

**CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.**

DATED: FEBRUARY 6, 2020

P.C.:

1. After having heard both sides and perusing the orders passed by this Court initially and on the subsequent occasions, all that it means is that the PIL Petitions are admitted and are pending. As far as interim relief is concerned, this Court firstly directed that no third party interests will be created in respect of the units in the structures which are termed *prima facie* to be unauthorised and illegal. In the second round, this Court says that status quo as prevailing in January 2013 be maintained in relation to the flats.

2. The answer to the Contempt Petitions is that an attempt was made to dispose off one of the flats in the building but that exercise is now recalled. The deeds and documents in relation to that flat stand cancelled and it has reverted back to the concerned builder and developer.

3. The petitioners are not satisfied and say that in respect of 36 flats, they derived information under the Right to Information Act,

2005 that respondent Nos.2 and 3 addressed a communication to the Maharashtra State Electricity Distribution Company in which communication, they say that electricity connection be provided in 36 flats, 6 shops, etc. This, according to the petitioners' Counsel, means the third party interests have been created or status quo is altered.

4. We do not think that by merely addressing a letter regarding which, deriving information in this manner, not from the persons, who are in charge of the construction or who have power to deal with it, but a service provider, would enable us to pursue the contempt action. If we pass orders which are not clear or are capable of more than one interpretation, then, no foundation of civil contempt can be laid on the basis of such orders or their alleged breach or violation. That is the law and if any reference is required, one can safely refer to the celebrated judgments of the honourable Supreme Court in the case of **The State of Bihar v. Rani Sonabati Kumari**¹, which judgment has been followed in several other judgments of the Supreme Court. The order of a Court should not be capable of more than one meaning. If it is so, there is no contempt. In this case, we have found that position to be

1 AIR 1961 SC 221

emerging from the record and hence, we dispose off these contempt petitions accordingly.

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)