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

**CONTEMPT PETITION NO. 50 OF 2019
IN
WRIT PETITION NO. 2382 OF 2018**

Indrayani Estate Developers Pvt. Ltd. ...Petitioner.
vs
Madhu Dilip Palrecha & Ors. ...Respondents

.....
Mr. Sharan Jagtiani a/w Ms. Jinal Shah i/b Kaushal Thakkar for the Petitioner
Mr.M.R.Irani i/b Dhaval S. Vasani for Respondent Nos.2 to 5, 8 and 9.
.....

**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATED 14th JANUARY , 2020.**

P.C.:

We have gone through the order passed by the Division Bench of this
Court dated 24th April, 2019. Paragraph 10 of the order reads thus:-

“10. We grant to the petitioners three (3) months’ time to vacate the premises. The time shall run from today. In the event the premises are not vacated by the petitioners and they do not handover vacant and peaceful possession of the same for compliance with the statutory Notice, then, at the end or expiry of this period the Municipal Corporation can step in. The respondent Nos.1 to 3 can then enforce and implement their Notice by taking coercive measures. They can also request the nearest police station to render the requisite assistance. We have no doubt that in the event the petitioners refuse to comply with the statements made before us or the directions issued by this Court, then, in addition to initiation of proceedings under the Contempt of Courts Act, 1971, additionally, the 4th respondent as also respondent Nos.1

to 3 can request the nearest police station to render the necessary assistance to the Municipal officials to enforce and implement the subject-Notice. We have no doubt that such assistance would then be rendered.”

2. Despite several months having passed, the order is not complied with by the Municipal Corporation. The Municipal Corporation ought to have enforced the order referred to above by seeking necessary assistance of Police as directed in paragraph 10 of the order. The learned Advocate appearing for the Municipal Corporation states that they will forthwith comply with the order dated 24th April, 2019. The statement is accepted. The Senior Inspector / Inspector in charge of the local Police Station shall render all assistance to the Corporation for implementing the order dated 24th April, 2019. The learned Advocate appearing for the tenants states that the Municipal Corporation is free to demolish the premises. The statement is accepted.

3 In view of the above, no orders are passed against the Respondents. The Writ Petition is accordingly disposed of.

4. Stand over to 23rd January, 2020 for reporting compliance.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)