

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.443 OF 2019

Smt. Malati Vasant Patankar & Ors.

.. Petitioners

v/s.

Saurabh Rao & Anr.

.. Respondents

Mr. T.D. Deshmukh for the petitioners.

Ms. Manisha Jagtap a/w Mayuresh Ingale for respondent -PMC

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 28TH JULY, 2022.

P.C. :

1. The petitioners have filed this contempt petition, inter alia, for initiating an action under the provisions of Contempt of Courts Act on account of wilful disobedience of the order passed by this Court on 31st August, 2004 in writ petition no.4780 of 1995 and the order dated 3rd September, 2012 passed by the Hon'ble Supreme Court in Special Leave Petition no.26948 of 2012.

2. We have heard the learned counsel for the parties at length and have perused the order passed by this court on 31st August, 2004 allowing writ petition no.4780 of 1995 in terms of prayer clause (B) to the writ petition.
3. It is a common ground that the order passed by this court holding that reservation in the final development plan would prevail over the purpose mentioned in the Town Planning Scheme, is not modified or set aside by the Hon'ble Supreme Court.
4. The order passed by this court is therefore clear that the reservation shown in the final development plan would prevail over the purpose shown in the Town Planning Scheme.
5. If the petitioner applies for any permission for development or for any other purpose, based on the order passed by this court on 31st August, 2004, same would be considered on the premise that the development reservation shown in the final development plan would prevail over the purpose shown in the Town Planning Scheme.
6. Contempt Petition is disposed in the aforesaid terms.
7. No orders as to costs.
8. Parties to act on an authenticated copy of this order.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)