

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3319 OF 2019**

Sheela Prakash Desai & Anr ...Petitioners
Versus
MHADA & Ors. ...Respondents

**WITH
IN PERSON APPLICATION NO.151 OF 2019
IN
WRIT PETITION NO.3319 OF 2019**

Sheela Prakash Desai & Anr ...Petitioners
Versus
MHADA & Ors. ...Respondents

**WITH
CONTEMPT PETITION NO. 72 OF 2019
IN
WRIT PETITION NO.2407 OF 2015**

Sheela Prakash Desai & Anr ...Petitioners
Versus
MHADA & Ors. ...Respondents

**WITH
IN PERSON APPLICATION NO.152 OF 2019
IN
CONTEMPT PETITION NO. 72 OF 2019**

Sheela Prakash Desai & Anr ...Petitioners
Versus
MHADA & Ors. ...Respondents

BHALCHANDRA
GOPAL
DUSANE

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Date: 2022.03.31
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Mr Prakash S Desai, *Petitioner present in person.*
Ms Sharmila Deshmukh *for Respondent Nos 1 to 6 (MHADA)*

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**
DATED: 29th March 2022

PC:-

1. The contempt petition is completely misconceived. It is also not maintainable.

2. Contempt is alleged of an order of a Division Bench of this Court (Coram: SC Dharmadhikari & BP Colabawalla JJ) of 9th September 2015. The contempt petition is lodged only on 26th November 2019. It is hopelessly out of time.

3. Second, contempt alleged is of non-existent directions in the order of 9th September 2015. The prayer says that the Respondents disobeyed that order by not obtaining sanctions, approvals, permissions from MCGM, not entering into and executing individual agreements, illegally invoked invoking powers under Section 95-A of the MHADA Act and evicting the Petitioners from the tenement. In fact, correctly read the 9th September 2015 order inter alia in paragraph 18 *permits* the authority to evict the Petitioner.

4. The Contempt Petition is rejected.

5. No costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)