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

**CONTEMPT PETITION NO. 740 OF 2022
IN
SUO MOTU PIL NO. 1 OF 2020**

Devang Dinesh Parmar

..Petitioner

VS.

The Mumbai Municipal Corporation and ors...Respondents

Mr. Dewang Dinesh Parmar, Petitioner-in-person.

Mrs. N.M. Mehta, AGP for the State-Respondent No.3.

**CORAM : S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 8, 2023

P.C. :

1. The petitioner-in-person submits that the order is passed in Public Interest Litigation. The same is not complied with. According to the petitioner-in-person, a decree is obtained by fraud by the encroacher. The Corporation has preferred an appeal in the year 2012. The Corporation is not taking steps to expedite the hearing of the said appeal. In that sense, the Corporation has committed the contempt.

2. It will not be possible for us to pass an order in as much as according to petitioner-in-person, the decree is

already passed in favour of the alleged encroacher. The same is in force. Unless the decree is set aside, prohibitory order should be in force. It will be open for the petitioner-in-person to contend about the contempt if the decree is set aside and the Corporation does not take any action. In that event, the petitioner-in-person can approach this Court. It is for the Corporation to take steps for getting the appeal decided expeditiously.

3. With the above observations, the contempt petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)