

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 101 OF 2020
IN
WRIT PETITION NO. 4434 OF 2013

Shaikh Salim Ali Son Of Ali D ...Petitioner
Versus
Sanjeev Jayaswal & Anr ...Respondents

Mr Amrendra A Sinha, for the Petitioner.
Mr NR Bubna, for Respondent Respondents Nos 1 & 2.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 3rd April 2024

PC:-

1. In our view, this Contempt Petition it is a complete abuse of the process of this Court.
2. There is an Additional Affidavit filed by the Petitioner who is the original Writ Petitioner. That makes matters worse.
3. What the Petitioner sought was the demolition of 33 structures on land on which the Petitioner claims rights. Those persons were on that land, it is alleged, at least to the knowledge of

the Petitioner and possibly with his concurrence. In the Writ Petition the affected persons had not been joined. The High Court required the Thane Municipal Corporation (“TMC”) to pass an appropriate order. The affected persons filed not one but two Writ Petitions and the structures were temporarily protected. Once those orders were vacated, and the TMC started taking action, civil suits came to be filed. There were also ad interim protective orders in the civil suits. The TMC could not possibly have defied those orders.

4. Mr Bubna tells us that those protective orders have been vacated recently in January 2024 after which the TMC has initiated the necessary proceedings including serving of notices. This process is ongoing even now. Some notices have been served. The entire process will be completed in a few days. The notices will require a period of 15 days to be given to each of the noticees.

5. The issue is not about the adequacy of the TMC’s actions but whether this Writ Petitioner/Contempt Petitioner is justified in alleging contempt. We see absolutely no basis for the allegations in the Contempt Petition and especially the allegations that there are permanent structures. For all we know, these structures and these persons in those structures may well have come onto the premises with the consent, permission or inaction by the Contempt Petitioner.

6. Mr Bubna in this context points out that the Contempt Petitioner did absolutely nothing from 2017 onwards and all of a

sudden has come forward with this Contempt Petition. We may note that the Writ Petition itself was of 2013.

7. This has gone on long enough. We see no merit in the Contempt Petition. It is dismissed.

(Kamal Khata, J)

(G. S. Patel, J)