

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.12904 OF 2024

Mahendraprasad Achehelal Gupta

... Petitioner

V/s.

Bhiwandi Nizampur City Municipal Corporation

& Anr.

... Respondents

None for Petitioner.

Mr. Narayan Bubna for Respondents.

Mr. Manik K. Jadhav, Designated Officer of the Corporation present.

CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.DATE : 3rd December 2024.

P.C. :

1) Mr. Bubna, learned Advocate appearing for Respondents on instructions from Mr. Manik K. Jadhav, Designated Officer of the Corporation submitted that, the Order dated 19th September, 2024 is not complied with.

1.1) Paragraph No.12 of the said Order reads as under:

*“The Corporation ‘**must**’ file a compliance affidavit and photographs by 29 November 2024. List this matter to consider the compliance report on 3 December 2024.”* (Emphasis supplied)

2) We believe that, the Respondents know and understand the meaning of word 'must'. Despite the said fact, today an adjournment is sought on a specious plea that, the Corporation has undertaken the work of demolition of the said structure. Despite granting sufficient time since 19th September, 2024 till date, the Respondents did not take any pains even to file a brief Affidavit placing on record the steps adopted by them.

3) As the Order dated 19th September, 2024 is not complied with, we issue notice to the Commissioner of Respondent No.1 and Respondent No.2, as to why action under the provisions of the Contempt of Courts Act should not be initiated against them by this Court for not complying with the said Order dated 19th September, 2024. Respondents to file their replies within a period of two weeks from today.

4) Mr. Bubna, learned Advocate appearing for the Respondents to communicate this Order to the concerned and to produce on record his communication on next date of hearing.

5) Stand over to 19th December, 2024.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)