

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****CONTEMPT PETITION NO. 132 OF 2024****WITH****SECOND APPEAL NO. 76 OF 2024**

Kiran Shankarrao Hatti } **..Petitioner**

**: Versus :**

The Collector Through the  
State of Maharashtra } **..Respondent**

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***Mr. Niranjan Bhavake*** a/w. *Ms. Drishti Madhani i/by. Bhavake & Associates,*  
*for the Petitioner.*

***Mr. Rohit Sakhdeo*** with *Mr. Nitesh Rangari* for Respondent No.2.

***Mr. Bhooshan Mandlik*** for Respondent No.4.

***Mr. Chetan Patil*** for Respondent No.9.

***Mr. Ashok S. Gawai*** a/w. *Ms. Tanya Goswami, APP for State.*

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**CORAM : SANDEEP V. MARNE, J.**

**Dated : 10 May 2024.**

**P.C. :**

1) I have heard Mr. Bhavake, the learned counsel appearing for the Petitioner and Mr. Mandlik, learned counsel appearing for Respondent No.4.

2) After having heard the submissions canvassed by the learned counsel appearing for the parties and on perusal of various photographs

showing stages of construction, it is more than apparent that Respondent No.4 has carried out construction in brazen violation of the order passed by this Court on 5 February 2024. Mr. Mandlik would attempt to justify the action on the part of Respondent No.4 by submitting that after dismissal of the Appeal by the First Appellate Court on 30 October 2023, there was no injunction and therefore Respondent No.4 obtained development permission in January 2024 and started the construction. He would submit that Respondent No.4 was not aware about the order passed by this Court till 20 February 2024 by which time construction of most portion of the house was complete.

3) Mr. Bhavake would contest the said submission of Mr. Mandlik. He would submit that when the order of this Court was attempted to be served on Respondent No.4, she deliberately refused to accept the same and continued with her construction activity. Mr. Bhavake would submit that even today, construction activity is under progress.

4) Considering the nature of controversy involved between the parties, it is necessary that the Second Appeal is taken up for hearing in an expeditious manner. Mr. Mandlik would submit that Respondent No.4 shall file an undertaking before this Court not to carry out any further construction and to vacate and demolish the construction already carried out in the event of the Appeal being decided against his clients. He would submit that Respondent Nos.4 and 5 shall not claim any equities in the construction already carried out. Let undertaking be filed during the course of the day.

5) List the Contempt Petition alongwith the Second Appeal on **18 June 2024** under the caption '*for directions*' when Appeal would be taken up for fixing a date for its final hearing.

**SANDEEP V. MARNE, J.**

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