

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.655 OF 2024
IN
WRIT PETITION NO. 3164 OF 2016**

Sudhabai Gajanan Patil & Ors

...Petitioners

Versus

Shri Anilkumar K Pawar, Commissioner of
Vasai Virar Municipal Corporation & Ors.

...Respondents

Mr. Kayval P. Shah for Petitioners/Applicants.
Ms Swati Sagvekar for Respondent Nos.1 to 5

**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.**

DATE : 11th AUGUST, 2025.

P.C:

1 This contempt petition is filed praying that there is a willful disobedience of the order dated 8th January 2020 passed by the Co-ordinate Bench of this Court. The operative part of the said order which according to the petitioner obligates the Municipal Corporation to take an appropriate action of demolition of unauthorised construction reads thus:

2. Though none appear for the Vasai-Virar Municipal Corporation or for the other respondents, the Writ Petition is disposed of with a direction to the Municipal Corporation that if the subject construction is found to be unauthorized, the Corporation shall take appropriate steps by following the due process of law. The Writ Petition is accordingly disposed of.”

2 The Municipal Corporation has filed a reply affidavit to this contempt petition. However, before we refer to the averments in the reply affidavit we

need to make a reference to the prior order passed on the present proceedings on 28th July 2025, when in regard to the action of removal of unauthorised construction, a statement made on behalf of the Municipal Corporation came on record. The said order dated 28th July 2025 reads as under:

“1 We are informed that substantial action has been taken to demolish the illegal construction as subject matter of the order passed by this court, of which contempt is alleged. It is contended on behalf of the Municipal Corporation that there are about 170 illegal constructions, of which 120 have already been demolished and further action to demolish the remaining structure is being taken.

2 Let the compliances of the orders passed by this court, be placed on record by a reply affidavit. Affidavit to be filed within 10 days. Copy of the affidavit be served on Advocate for the Petitioners.

3 Stand over to 11th August 2025, High On Board.”

3 Further, as noted above, there is an affidavit of Ajit Muthe, Deputy Commissioner of Vasai Virar Municipal Corporation, in which the following statement has been made:

“14. I say that pursuant to the Resolution of the State Government no action can be taken against unauthorized structures during the rainy season from 1st June, 2025 to 30th September, 2025. I say that after 30th September, 2025 the action will be taken against the remaining unauthorized structures. Hereto annexed and marked as "Exhibit - K" is the copy of the Government Resolution.

15. I say that this Respondent has been recently made aware of the fact that the Tahasildar, Vasai had initiated proceedings against the Petitioners for breach of terms on which the land was granted to them under the Bombay Tenancy and Agriculture Lands Act, 1948. I say that vide Order dated 30th July, 2025 the said land has been transferred back to the State Government. Hereto annexed and marked as "Exhibit - L" is the copy of the Order dated 30th July, 2025.

16. *****

17. I say that this Respondent will give hearing to the parties which are situated in other survey numbers and follow the due process of law during this rainy season and start further demolition action from October 1, 2025 onwards.

18. I say that this Respondent has not violated any order of this Hon'ble Court. However, if any action on part of this Respondent has

fallen short of the expectation of this Hon'ble Court, then the present Respondent tenders its unequivocal apology at the outset and assures the Hon'ble Court that such an infraction was purely unintentional.”

4 On a query made to Mr. Shah, learned counsel for the Petitioner, he informs that Government Resolution as referred by the Municipal Corporation has not been challenged and there is no stay to this operation of the said Government Resolution.

5 In this view of the matter, accepting the statement as made in paragraph 14 of the reply affidavit filed on behalf of the Municipal Corporation, we are of the clear opinion that the contempt petition ought not to be taken forward and adjudicated as we find that there is no intentional disobedience of the orders passed by this Court as substantive action has already progressed.

6 The contempt petition accordingly stands dismissed.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]