

MJ Jadhav

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

CONTEMPT PETITION NO. 330 OF 2025

IN

APPEAL FROM ORDER NO. 874 OF 2024

Preeti Manohar Sakpal

... Petitioner

Vs.

Municipal Corporation of Greater Mumbai and ... Respondents
Anr.

WITH

APPEAL FROM ORDER NO. 874 OF 2024

WITH

INTERIM APPLICATION NO. 15379 OF 2024

IN

APPEAL FROM ORDER NO. 874 OF 2024

Preeti Manohar Sakpal d/o Manohar B. Sakpal ... Appellant
(Deceased)

Vs.

Municipal Corporation of Greater Mumbai

... Respondent

Mr. Abhishek L. Tripathi a/w Bharat Tiwari for the
Petitioner/Appellant.

Mr. Girish Godbole, Senior Advocate a/w Om Suryavanshi i/b Komal
Punjabi for the Respondent-BMC.

Mr. Anand Patil, S.E. (Maint.) H/W, Present.

Mr. Sachin Hanamdar, A.E., Present.

CORAM : GAURI GODSE, J.

DATED : 20th AUGUST 2025

ORDER:

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signed by
MANGALTAI
JAYWANT
JADHAV
Date:
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CONTEMPT PETITION NO. 330 OF 2025 :

1. This contempt petition is filed by the original plaintiff (appellant in the Appeal From Order), alleging breach of the order dated 27th November 2024, passed by this court in Appeal From Order No. 874 of 2024. By the said order, this Court directed the Corporation not to take coercive steps pursuant to the impugned notice, i.e. the notice under Section 314 of the Mumbai Municipal Corporation Act 1888. There is no dispute that the officers of the Corporation demolished the suit structure in breach of the order passed by this court. However, it is contented on behalf of the Corporation that the structure was only partly demolished.

2. In an attempt to justify the action taken by the concerned officers, a fresh additional affidavit-in-reply dated 19th August 2025 on behalf of the corporation tendered is taken on record. After going through the fresh affidavit, the earlier affidavits, the description of the structures and the photographs, I am convinced that the concerned officers are making attempts to bring a new structure at the place where the offending structure was situated. From the affidavits filed on behalf of the corporation, prima facie, I am convinced that under the pretext of restoring the structure which was demolished in breach of the order passed by this Court, the

concerned officers of the corporation are trying to put up a new structure. This is clear from the documents annexed on page no.78 of the contempt petition, which is a part of the affidavit-in-reply dated 21st July 2025.

3. The officers of the corporation are trying to justify that the other existing structures were pushed back to the place where the offending structure was situated. Hence, they are reconstructing the appellant's structure. To support this submission, the corporation has relied upon a licence issued to one Minal Lokegaonkar and Pranalee Lokegaonkar. The licence issued to Pranalee Lokegaonkar shows the address of Phirozshah Mehta Road. The offending structure is situated on M.G. Road. Thus, it is clear that the corporation's officers are trying to put up new structures in place of the offending structure and around it.

4. The justification given in the fresh affidavit tendered today to explain the "so-called mistakes" in the affidavits dated 7th July 2025 and 21st July 2025 depicts the brazen conduct on behalf of the Corporation. The record of this contempt petition and the appeal from the order shows that the action on behalf of the Corporation of demolishing the petitioner's structure is not only in breach of the order passed by this court, but there is also an attempt by the

Corporation's officers to illegally create/construct new structures in a public place, under the pretext of purging the contempt by claiming to reconstruct the demolished structure.

5. The office of this court is therefore directed to issue notice to respondent no.2 in terms of Rule 9 of the Contempt of Courts (Bombay High Court) Rules 1994 for committing deliberate and willful breach of the order dated 27th November 2024, passed by this court in Appeal From Order No. 874 of 2024.

6. Notice is made returnable on 22nd September 2025.

7. To be listed under the caption 'high on board'.

APPEAL FROM ORDER NO. 874 OF 2024 :

8. Appeal from order to be heard along with the contempt petition on 22nd September 2025.

9. Ad-interim protection already granted shall continue till further orders.

(GAURI GODSE, J.)