

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

WRIT PETITION NO. 18574 OF 2024

WITH

INTERIM APPLICATION (ST) NO. 37131 OF 2025

Safwan Jafar Hussain Sayyad. ... Petitioner.

V/s.

Ward Officer 3/C Ward Kalyan & Ors. ... Respondents.

WITH

CONTEMPT PETITION NO. 676 OF 2025

IN

WRIT PETITION NO. 18574 OF 2024

Safwan Jafar Hussain Sayyad. ... Petitioner.

V/s.

Dhananjay Thorat. ... Respondents.

Mr. Pratik B. Rahade, Advocate for Petitioner.

Mr. Sarang S. Aradhye, a/w. Ms. Gauri Relankar, Advocate for Respondent Nos. 1 and 2.

Mr. P.P. Kakade, Addl. G.P. a/w. Mr. S.H. Kankal, AGP for Respondent/State.

Mr. Anil Sakhare, Senior Advocate a/w. Mr. Hiten Lala & Mr. Rohan Mirpurey i/b. Arjun Jeswani, Advocate for Respondent No. 4 and for Applicant in IAL/37131/2025.

Mr. Karan Bhogale a/w. Hiten Lal i/n/ Arjun Jeswani, Advocate for Respondent No. 5.

CORAM : RAVINDRA V. GHUGE AND

ASHWIN D. BHOBE, JJ.

DATE : 26th NOVEMBER, 2025

P.C. :

1. On 10th November, 2025, we had passed the following order :

“1. This Petition is listed today for compliance of the directions set out in the Order dated 21st July, 2025. The Learned Advocate representing the occupiers of the residential property, submits that a Special Leave Petition has been filed before the Hon’ble Supreme Court on 17.10.2025 and the Petitioners before the Hon’ble Supreme Court are expecting a date for hearing.

2. The learned Advocate representing the Corporation submits that an Affidavit in reply will be filed with regard to the compliance of the directions of this Court.

3. We find that the earlier Bench has passed an Order on 21.07.2025 and directed the matter to be listed for compliance on 10.09.2025. Neither the SLP was filed prior thereto, nor has the Corporation tendered a compliance report.

4. Let the Commissioner of the Corporation file his Affidavit as requested by the learned Advocate, on or before 20.11.2025.

5. List this Petition in the Urgent in the same category on 24th November, 2025.”

2. On 24.11.2025, the Special Leave to Appeal (Civil) No. 33785 of 2025, arising out of the Order dated 21.7.2025 passed by a Coordinate Bench of this Court in the Writ Petition, came up for hearing and the Hon’ble Supreme Court has passed the following order :

“ The submissions advanced by Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioners is to the effect that from the record, it is apparent that an application for regularisation of the alleged unauthorized construction was filed on 24th July, 2024 and the acknowledgment of the same was given by the Kalyan Dombivli Municipal Corporation in December, 2024.

It is further submitted that the said application for regularization has not been decided.

In the meantime, the High Court by the impugned order had issued directions to the said Corporation to take appropriate action for demolition etc. in accordance to law.

On the other hand, learned counsel appearing for respondent No.1 – complainant submits that the regularization application has already been rejected as per the affidavit of the Corporation filed before the High Court on 20th November, 2025.

Whatever be the status, we would like to have a response from the Municipal Corporation.

Accordingly, issue notice. returnable on 13th January, 2026.

No notice needs to be sent to respondent no. 1 as he is already represented on caveat, by learned AOR Mr. Shashibhushan P. Adgaonkar. Counter affidavit be filed within four weeks.

Issue notice to the unrepresented respondents.

In the meantime, status quo, as it exists today, shall be maintained.

List the matter on 13th January, 2026.”

3. In view of the above, since the matter is now before the Hon’ble Supreme Court and the Notice dated 6.8.2024 is sub-judice, the Municipal Corporation cannot proceed to execute the Order dated 21.7.2025 passed by the Coordinate Bench. So also, non-compliance of the said direction would not now amount to disobedience, since the

Hon'ble Supreme Court would be deciding the fate of the Notice dated 6.8.2024, as well as the Order of this Court dated 21.7.2025.

2. In view of the above, the **Contempt Petition is disposed off.**

3. **Interim Application filed by the Private Respondent, is disposed off** on request of the Applicant.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)