

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

**INTERIM APPLICATION NO.9043 OF 2025
IN
WRIT PETITION NO.10024 OF 2023**

Thane Municipal Corporation & anr. ... Applicants

V/s.

D. Dahyabhai and Co. Pvt. Ltd. & ors. ... Respondents

**WITH
WRIT PETITION NO.10024 OF 2023
WITH
CONTEMPT PETITION NO.333 OF 2025
IN
WRIT PETITION NO.10024 OF 2023
WITH
INTERIM APPLICATION NO.7016 OF 2024
IN
WRIT PETITION NO.10024 OF 2023
WITH
WRIT PETITION NO.3205 OF 2018
WITH
INTERIM APPLICATION NO.2785 OF 2020
IN
WRIT PETITION NO.3205 OF 2018**

Mr. Ram S. Apte i/by Mr. Mandar Limaye for the Applicants-TMC.

Mr. Chirag Balsara with Ms. Minal Jaiwant Chandnani for the Petitioners in Original Writ Petition No.10024 of 2023.

Mr. Kunal Dwarkadas i/by M/s Jayakars for the Applicants in IA No.2785 of 2020.

Mr. Ashutosh Gole with Mr. Nikhil Waje for the Applicants in IA No.7016 of 2024 in WP 100024 of 2023.

Mr. S. H. Kankal, AGP for the State.

Ms. Karishma Rohidas Kawade (Assistant Conservator of Forest) and Mr. Jitesh S. Bhatle(Forest Gaurd) are present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 27th June 2025.

P.C. :

1) The Applicant Corporation is a State within the meaning of Article 12 and cannot be permitted to act as a private litigant by taking sides with certain persons. In paragraph No.1 of our order dated 28th April, 2025, we had categorically observed that “Orders passed by the Courts are meant to be followed and implemented, and not meant to be frustrated.” By now, it is well-known fact that the orders of these Courts are being blatantly violated with impunity by the Officers of Thane Municipal Corporation (“TMC”) thereby frustrating the judicial process. If the functionaries of the State have started violating the orders of the Court, then less said the better.

2) It is the contention of Mr. Apte, learned counsel for the Applicant that, on 28th April, 2025, the Petitioners did not pray for the implementation of the said Order. However, this Court suo-moto took cognizance of the matter and directed the Corporation accordingly. We believe that while exercising our powers under Article 226 to subserve the ends of justice, we had rightly directed the TMC, being the State Authority, to comply with the Orders of the learned Single Judge of this Court. The obstinate stand adopted by the TMC is unwarranted and speaks volume.

3) Mr. Balsara, learned counsel for the Petitioners submits that, the contention of the learned senior counsel for the TMC is incorrect. He states that, on 28th April, 2025, he had in fact requested this Court to issue directions to the TMC to comply the said Order, and it was not a case where the Court acted suo-moto.

4) It is an admitted fact on record that, the Order passed by Mr. Justice Sambre has attained finality, as it stands accepted by the TMC, having not challenged the same. It is therefore obligatory on the part of TMC to comply with it.

5) Application is accordingly dismissed *in limine*.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)