

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 624 OF 2024**

Nalin Pravin Choksey

... Petitioner

V/s.

Mumbai Municipal Corporation & Ors.

... Respondents

Mr. Bhavesh Parmar a/w. Ms. Reshma Nair, Mr. Vivekanand Akshali & Mr. Rajesh Sahani i/b. Mr. Mr. Devmani Shukla for Petitioner.
Mr. Chaitanya Chavan a/w. Ms. S.V. Tondwalkar i/b. Ms. Komal Punjabi for Respondent-BMC.

Officers of BMC :- (i) Mr. Deepak Jadhav, Asst. Engineer (Main) & (ii) Mr. Abhijeet Jangam, Sub-Engineer (Main), H/E Ward, present.

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

DATE : 22nd January 2025.

P.C. :

1) As usual the concerned Officers of BMC have not complied with Order dated 27th July 2023 passed in Writ Petition No. 1772 of 2019 within stipulated period. They have adopted specious pleas for non-compliance, which we find is routine.

2) The co-ordinate Bench of this Court in para No.3 of Order dated 9th September 2024 passed in Contempt Petition No. 78 of 2024, to which one of us (*Kamal Khata, J.*) is a member, has observed as under :-

“It has become almost routine for the BMC officials not to comply with this Court’s orders. Rarely any extension is sought and parties are forced to file Contempt Petitions to secure compliance. This is yet another case of such a genre.”

3) Even in our experience it is a regular feature and therefore we are compelled to take a judicial note. The observations made by the co-ordinate Bench apply in practically each and every matter. The Officers of BMC are emboldened to such an extent that flouting and violating the Orders of this Court do not bother them. The reasons are best known to them only.

4) In view thereof, we direct the Commissioner of BMC to place on record the names of all those concerned Officers responsible for not complying with the Order dated 27th July 2023 passed in Writ Petition No. 1772 of 2019, so that this Court can proceed to take action against them, under the Contempt of Courts Act, as per the prayers (d) and (e) of the Petition. This be done within a period of two weeks from today.

4.1) We direct the Commissioner of BMC not to delegate his power to any subordinate Officer, while filing the said Affidavit.

5) Stand over to 12th February 2025.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)