

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 8 OF 2017
WITH
SHOW CAUSE NOTICE NO. 2 OF 2025
WITH
NOTICE OF MOTION (L) NO. 482 OF 2017
IN
WRIT PETITION NO. 1434 OF 2000
WITH
WRIT PETITION NO. 380 OF 2025

Everard Co-operative Housing
Society Ltd.

... Petitioner.

V/s.

Ajay Mehta, Municipal Commissioner,
MCGM & Ors.

... Respondents.

Ms. M.S. Sawant h/f. Adv. Meena Doshi for the Petitioner in CONPW/8/2017.

Ms. Gayatri Singh, Senior Advocate a/w. Adv. Sanjot Shirsath for the Petitioner in WP/380/2025.

Mr. Anil Singh, Senior Advocate, a/w Adv. K.H. Mastakar for the Respondent-BMC.

Mr. Prashant Gavali, Sub. Maint (L) Ward, present.

Mr. Y.S. Jahagirdar, Senior Advocate, a/w Adv. S. Kanetkar for Respondent No.2.

Mr. Ajitkumar Ambi, Asstt. Commissioner, G/N Ward, Respondent No.2-present.

Ms. Dhruti Kapadia for the Respondent-SRA.

Mr. Milind More, Addl. G.P for the State in CONPW/8/2017.

Smt. Prachi Tatake, Addl. G.P for the Respondent-State in WP/380/2025.

CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
DATE : 10th February 2025.

P.C.:-

- 1) Mr. Anil Singh, the learned Senior Counsel appearing for the Respondent No.1-Corporation submitted that the Order dated 2nd January, 2025 has been challenged by the Respondent No.3 before the Hon'ble Supreme Court by Special Leave to Appeal (C) No(s). 2178-2179/2025.
- 2) The Hon'ble Supreme Court by its Order dated 27th January, 2025 has stayed the directions issued by this Court in paragraph Nos.h to h-iii of the impugned Order.
- 3) He submitted that, as far as rest of the directions are concerned, the same are either being complied with or the BMC is in process of complying with the same. He submitted that the Commissioner of BMC has filed his Affidavit dated 24th January, 2025 placing on record the steps adopted by him for complying with the directions issued by Order dated 2nd January, 2025. We accept the said statements made by the Commissioner of Respondent-Corporation.
- 4) Ms. Singh, the learned Senior Counsel appearing for the Petitioners-13 slum dwellers submitted that, the Petitioners have also impugned the final Judgment and Order dated 2nd January, 2025 before the Hon'ble Supreme Court by way of Special Leave to Appeal (C) No(s).2336/2025. That, the Supreme Court has stayed the directions passed by this Court in paragraph No.38A relating to imposition of costs

quantified at Rs.5,00,000/-. She produced on record a photocopy of the said Order dated 27th January, 2025.

5) At this stage, learned Advocate for the Petitioner-Society submitted that, though the structures have been demolished by the Corporation as stated in the Affidavit dated 24th January, 2025 of Commissioner of BMC, the debris is still lying there.

6) Mr. Singh learned senior Advocate appearing for BMC on instructions from Mr. Prashant Gavali, Sub. Maint (L) Ward submitted that the said debris will be removed, and suit site will be completely cleared in all manner and form within a period of one week from today. The said statement is accepted.

7) Mr. Jahagirdar, learned senior Advocate appearing for Contemnor, informed us that Ajit Kumar Ambi was personally present in the Court in furtherance of directions issued by the Hon'ble Supreme Court vide its order dated 27th January, 2025. His presence is recorded.

8) We direct the Advocate on record for the Corporation to circulate the present Petition after the Hon'ble Supreme Court finally decides Special Leave to Appeal (C) No(s). 2178-2179/2025 and/or upon compliance of our directions.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)