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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 771 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.148 OF 2024**

Shabbir Abdul Shaikh
V/s

....Petitioner.

State of Maharashtra and Ors.

....Respondents

Mr. Laxman K. Kalel, advocate for the petitioner.

Ms. Neha S. Bhide, G.P. with Mr. K.B. Dighe, Addl. G.P. with Mr. S.P. Kamble, AGP for the respondent nos. 1, 5 and 9.

Mr. Dnyaneshwar K. Sawalkar, advocate for the respondent no.2-IIT, Bombay.

Mr. Santosh Parad with Mr. Santosh Mali, advocates for the respondent no.3-BMC.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 2nd APRIL 2026

P.C. :

In Public Interest Litigation No.148 of 2024, by an order dated 7th May 2025, a direction was issued by this Court to the Collector, Mumbai Suburban District to issue notice to the parties for carrying out survey to ascertain the encroachment on the subject land. According to Mr. Laxman Kalel, the learned counsel for the petitioner, the order passed by this Court has not yet been complied with by the Collector, Mumbai Suburban District. However, mere delay in complying with the Court's order shall not be a ground to initiate proceedings under the Contempt of Courts Act, 1971. The order dated 7th May 2025 records that whether the land belonging to IIT Bombay, Powai has been encroached upon by the respondent nos. 6 to 8 is a

question of fact which cannot be determined in a summary proceeding under Article 226 of the Constitution of India. As we gather on a glance at the order dated 7th May 2025, the respondent no.8 was not represented through its counsel.

2. However, Mr. K. B. Dighe, the learned Additional Government Pleader states that the order dated 7th May 2025 has been complied with. He has tendered a copy of the order dated 24th November 2025 passed by the Collector, Mumbai Suburban District, which is taken on record.

3. In view thereof, Contempt Petition No.771 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]