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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7810 OF 2013

Family Planning Medical Centre
Trust (E), through Mr. Bhupendra
Kumar Tandon ... Petitioner

V/s.

Deputy Collector (Eviction & Encroa-
chment) & Competent Officer ... Respondents

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WITH

SUO MOTO CONTEMPT PETITION NO.6 OF 2026

High Court on its own motion ... Petitioner

V/s.

Vinayak Padavi, In charge Deputy
Collector & Another ... Respondents

Mr.Balasaheb Deshmukh for the petitioner in WP.

Ms. A.A. Nadkarni, AGP with Mr. Hamid Mulla, AGP
for State.

Ms. Ravleen Sabharwal with Ms. Aarushi Yadav, Ms.
Rutuja Shedge and Ms. Yashi Bhatt for contemnors
No.2.

Mr. Vinayak T. Padvi, In-charge Deputy Collector, is
present.

Mr. Sachin Giri, present in-person.

CORAM : AMIT BORKAR, J.

DATED : MAY 8, 2026

P.C.:

1. The present writ petition arises from proceedings initiated by
the Authorities under the Act, wherein a show cause notice came

to be issued to the petitioner calling upon him to explain as to why the structure erected by him should not be demolished on the ground that the same was found to be in excess of the permission granted by the Municipal Corporation.

2. The present matter represents the second round of litigation between the parties. In the earlier proceedings, this Court, by order dated 17 August 2013, had granted protection to the structure of the petitioner while specifically clarifying that such protection shall not operate so as to obstruct construction of road or any other activity undertaken for public purpose.

3. It is the case of the petitioner that, notwithstanding the subsistence and operation of the aforesaid order passed by this Court, the Authorities under the Act proceeded to demolish even the authorised portion of the structure. On such basis, it is contended that necessary directions deserve to be issued directing the Authorities to reconstruct the authorised portion of the demolished structure.

4. However, the learned AGP has rightly invited attention of this Court to the petitioner's own communication dated 16 July 2012, wherein the petitioner himself referred to the incident dated 31 March 2012 and specifically stated that the entire structure had already been demolished, thereby causing loss to the extent of Rs.2 lakh. By the said communication, the petitioner had further requested the Authorities under the Act to grant protection for reconstruction of the structure at his own costs.

5. Once such communication emanating from the petitioner himself is taken into consideration, the contention now sought to be raised that the demolition was carried out in breach of the order passed by this Court cannot be accepted. Apart from this, it further appears that the permission granted by the Municipal Corporation on 9 November 1996 was confined only for the limited purpose of operating a Jhunka Bhakar Kendra. The permission itself clearly indicates that the structure in question was purely temporary in nature and the permission was granted only for a period of one year, subject to renewal from time to time. In such circumstances, having regard to the temporary nature of the structure for which protection is sought, this Court is of the opinion that no relief, as prayed for, can be granted at this stage.

6. The writ petition, accordingly, stands disposed of. There shall be no order as to costs.

7. In view of disposal of the writ petition, the suo motu contempt petition, along with all consequential orders passed against the Authorities under the Act and the respondents, stand recalled.

(AMIT BORKAR, J.)