



7236-2024

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 822/2026
IN WRIT PETITION NO. 7236 OF 2024

(Pushpa w/o Sanjay Gupta Vs. State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Anil Mardikar, Senior Counsel with Mr. A.V. Khare, Counsel
for the petitioner.

Mr. A.B. Badar, A.G.P. for respondent nos. 1 and 4/State.

Mr. S.M. Puranik, Counsel for respondent no.2.

Mr. R.R. Chhabra, Counsel for respondent no.3.

Mr. S.D. Chande, Counsel for respondent nos. 5 to 11.

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CORAM : ANIL L. PANSARE AND
NIVEDITA P. MEHTA, JJ.
APRIL 2, 2026

By present application, the applicant/
petitioner is seeking appropriate action against
respondent nos. 5 to 11 under the provisions of the
Contempt of Courts Act, 1971, for committing criminal
contempt. Taken on record.

2] On 30/3/2026, in Writ Petition, following
order was passed :

*“Challenge is to notice dated
24.03.2026 issued by respondent No.2 –
Nagpur Improvement Trust to one Mr. Shamrao
Durgaji Bhang and others.*

*2. Counsel for applicant submits that
Shamrao has expired long back. He further
submits that others are not known and,
therefore, notice cannot be given effect to.*

*3. Since death certificate of Shamrao is
annexed with the application, respondent No.2-
IT is not disputing the status of death of
Shamrao. Counsel for NIT submits that fresh*

notice will be issued to respondent No.2, in accordance with law, if necessary.

4. *The application is accordingly allowed. Impugned notice is quashed and set aside.*

5. *The application is disposed of.*

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Heard.

2. *Prayer is to direct respondent Nos. 1 to 4, especially NIT to demolish unauthorised construction and remove illegal encroachments like meat/chicken shops/slaughter house etc. over the Government land and the land belonging to the petitioner.*

3. *Mr. S. M. Puranik, learned counsel appearing for respondent No.2 makes a statement that the encroachments made on lands belonging to the NIT will be removed within three weeks from today. Statement is accepted.*

4. *So far as encroachment on petitioner's and is concerned, we grant liberty to the petitioner to move appropriate forum for redressal of his grievance.*

5. *Mr. S. D. Chande, learned counsel for respondent Nos. 5 to 11 submits that they are in possession of the property since last 40 years. We accordingly inquired with the counsel and asked him to place before us any document showing their title over the property. However, instead of showing any document of title, learned counsel invited our attention to a decree passed in Regular Civil Suit No. 177/1975. The plaintiffs therein are said to be ancestors of these respondents, which fact is not verifiable from the material placed before us.*

6. *We have gone through the decree to find that the plaintiffs therein were permitted to recover possession of suit land, which as such is not described to ascertain whether the land under question is the same. What appears from the decree is that the plaintiffs therein were dispossessed and suit was brought immediately after dispossession and accordingly the Trial Court held the plaintiffs entitled for recovery of possession.*

7. *At this stage, counsel for petitioner submits that the decree which the respondents' counsel referred to is, in fact, a decree passed*

in a suit filed by Sarvodaya Gruha Nirman Society in Special Civil Suit No.285/1975. He seeks time to place on record copy of the decree. Granted.

8. Thus, in a way, it is suggested that respondent Nos. 5 to 11 have relied upon a forged document, which we will consider in due course but what is relevant is that the petitioner seeks direction against respondent Nos.1 to 4, more particularly respondent No.2-NIT to demolish/remove unauthorised encroachment/illegal structures. Mr. Puranik, learned counsel for respondent No.2-NIT, has made a statement that action for removal will be taken within three weeks from today. The NIT shall proceed to take action of removal of encroachment/unauthorised structures. So far as the petitioner is concerned, he may pursue the remedy before appropriate forum.

9. List for further consideration on 02.04.2026, on the point of documents relied upon by respondent Nos. 5 to 11."

3] As could be seen, Mr. S.D. Chande, Counsel, who appeared for respondent nos. 5 to 11, instead of placing before us document/s showing respondent nos. 5 to 11's title over the property, invited our attention to the decree passed in Regular Civil Suit No. 177/1975 saying that the plaintiffs therein are the ancestors of these respondents. This fact, as such, was not verifiable from the material placed before us, however, we had gone through the decree to find that the plaintiffs therein were permitted to recover possession of the suit land. We had also said that the suit was decreed considering the fact that the plaintiffs therein were dispossessed, and suit was brought immediately after dispossession. At that time, the Counsel for the petitioner submitted that this decree is, in fact, passed in a suit filed by Sarvodaya Gruha Nirman Society in Special Civil Suit No. 285/1975. The Counsel

for the petitioner sought time to place on record copy of decree.

4] Same is now placed on record. Mr. Anil Mardikar, learned Senior Counsel, has invited our attention to the decree passed in the suit filed by the alleged predecessor of respondent nos. 5 to 11, which is Regular Civil Suit No. 177/1975, which was referred to by Mr. Chande, to convince us that if not the document of title, at least, this decree will support their claim of having title in the suit property.

5] Accordingly, we have now gone through the decree passed in Regular Civil Suit No. 177/1975 to find that the suit was dismissed. Thus, the suit filed by the alleged predecessor of respondent nos. 5 to 11 stood dismissed. This fact has been suppressed by these respondents. What is more shocking is the fact that these respondents have forged the decree passed in Regular Civil Suit No. 177/1975. What these respondents have done is that they have placed before us the cause title of the suit filed by them and part of the judgment and decree passed in the suit filed by the predecessor in title of Sarvodaya Gruha Nirman Society in Special Civil Suit No. 285/1975. The contents of the judgment from page no.16 in Special Civil Suit No. 285/1975, which commences with the expression 'property, now as to whether ...' has been annexed as page no.2 to the decree passed in Regular Civil Suit No. 177/1975 to represent that this part of the judgment is, in fact, the judgment in Regular Civil Suit No. 177/1975, and to contend that the

decree of recovery of possession is passed in favour of the predecessor of respondent nos. 5 to 11.

6] At this stage, Mr. Chande submits that respondent nos. 5 and 6 herein were, in fact, the plaintiffs in the said suit, i.e., in Regular Civil Suit No. 177/1975. If that be so, then there is every reason to believe that these respondents were fully aware of the decree passed in their suit, whereby the suit was dismissed. Despite such fact, these two respondents, along with other respondents, i.e., respondent nos. 5 to 11, have placed before the Court a forged decree to put forth the argument that the property under question belongs to them.

7] Such an act, in our view, amounts to interference in administration, and thus, amounts to criminal contempt, and therefore, we hereby issue notice to respondent nos. 5 to 11 in Form – I under Rule 9 of Chapter XXXIV of the Contempt of Courts (Bombay High Court) Rules, 1994. Respondent nos. 5 to 11 shall on next date remain present before the Court. In the meantime, they shall deposit an amount of Rs.1,00,000/- each for making misleading statement before the Court.

8] At this stage, Mr. Chande tendered apology, which we outrightly reject, considering the conduct of these respondents. In fact, Mr. Chande was under duty to first verify the documents and then to pursue the cause on the basis of such documents. Mr. Chande seeks time to file reply, which he may file. We would remind Mr. Chande that the Advocate/Counsel appearing before the

Court has a duty towards the Court as well. We would expect him to discharge his duty towards Court not only in the present petition, but in all cases, wherever and whenever he appears. We would like to hear Mr. Chande as an Officer of the Court on this point on next date.

9] List on 9/4/2026.

(JUDGE)

(JUDGE)

Sumit