

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 1185 OF 2023

IN

SPECIAL LEAVE PETITION (CIVIL) NOS. 11061, 11077 AND 11051 OF 2023

CHANDRAKALA SHANTILAL LUNAWAT & ORS.

Petitioner(s)

VERSUS

SANDIP KONDIBA SATAV & ORS.

Alleged Contemnor(s)

O R D E R

1. Heard Mr. Sudhanshu S. Choudhari, learned senior counsel appearing for the contempt petitioners. Also heard Mr. Shyam Divan and Mr. Vinay Navare, learned senior counsel appearing for respondent Nos. 1 to 4 (alleged contemnors). Mr. Shashibhushan P. Adgaonkar, learned counsel appears for respondent No. 5 to 15.

2. In course of this contempt case in relation to SLP (Civil) No. 11061 of 2023 etc., this Court on 05.07.2023 passed an order, staying the operation of the impugned order dated 25.04.2023 of the Bombay High Court in the Civil Revision Application No. 285 of 2022 and other connected cases. An interim order was also passed stopping construction in the meantime, in the vacant area, covered by the decree dated 27.10.1945.

3. Thereafter the Court considered the projection made from the side of the petitioners that construction was carried out in the vacant area notwithstanding the interim order passed by this Court on 05.07.2023.

4. Since then, pleadings have been exchanged. We have perused the further additional affidavit filed on behalf of the petitioners on 09.05.2024 as also the affidavit in reply filed by the respondent No. 1 to the said further additional affidavit.

5. The order passed by us on 05.07.2023 stopping construction in the vacant area is creating some confusion as this Court had not identified the actual vacant area.

6. If we go by the vacant areas mentioned in Page No. 41 of the Contempt Petition, we may have a better understanding of where construction was stopped and to which vacant area the stop order would relate to:-

Commercial Plot 'A' (VACANT)	2947.66 Sq. Mtrs.	TOTAL 6852.54 Sq. Mtrs.
Amenity Space (VACANT)	2342.93 Sq. Mtrs.	
OPEN SPACE (VACANT)	1561.95 Sq. Mtrs.	
TOTAL	17427 Sq. Mtrs.	

7. In reference to the above 3 vacant areas mentioned above, Mr. Shyam Divan submits that insofar as commercial plot A measuring 2947.66 sq. mtrs., the said plot continues to remain vacant without any construction but there is an excavated pit in the said area. As regards the Amenity space measuring 2342.93 sq. mtrs., this plot too is vacant barring temporary labour camps, without any Pucca construction.

8. The next question is whether the 3rd open space measuring 1561.95 sq. mtrs. is also to be seen as vacant area as on

05.07.2023 when the interim order was passed by this Court to stop construction.

9. From the materials and photographs produced by the contesting parties and on perusal of the earlier photographs dated 29.09.2022, 30.01.2023 and 08.03.2023, it is clearly discernible that in the said identified area, construction of two levels (below ground) for underground parking and an underground water tank were already carried out when this Court passed the interim order on 05.07.2023. It is therefore submitted by Mr. Divan that this area cannot be considered to be a vacant area as on the date of the stop construction order. According to the counsel, construction activities are happening only over this space (with the below ground level construction), which measures 1561.95 sq. mtrs. The senior counsel then submits that as of now respondents are proposing to keep vacant the commercial plot A measuring 2947.66 sq. mtrs. and the Amenity space measuring 2342.93 sq. mtrs and no construction will be done on these two vacant areas.

10. Having noted the aforesaid ground situations as on the date of passing of the interim order on 05.07.2023, we are of the considered opinion that by making the construction over the open space where the two underground floors were already constructed, the respondents have not committed any contempt of this Court's order. The Contempt Petition accordingly stands disposed of with this order.

11. Pending application(s), if any, shall stand closed.

.....J.
(HRISHIKESH ROY)

.....J.
(PRASHANT KUMAR MISHRA)

NEW DELHI;
MAY 13, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 1185/2023 in SLP(C) NOS. 11061, 11077 AND 11051
OF 2023

CHANDRAKALA SHANTILAL LUNAWAT & ORS.

Petitioner(s)

VERSUS

SANDIP KONDIBA SATAV & ORS.

Alleged Contemnor(s)

(IA No. 107366/2024 - ADDITION / DELETION / MODIFICATION PARTIES
IA No. 200313/2023 - ISSUE OF BAILABLE WARRANT OF ARREST)

Date : 13-05-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Sudhanshu S. Choudhari, Sr. Adv.
Mr. Anand Dilip Landge, AOR
Mr. Bhalchandra Nikte, Adv.
Mr. Chaitanya Nikte, Adv.
Mrs. Sangeeta.s.pahune.patil, Adv.
Mr. Avineesh Jha, Adv.
Mr. Dinesh H Godara, Adv.

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
Mr. Vinay Navare, Sr. Adv.
Mr. Sugandh B. Deshmukh, Adv.
Mr. Prashant R. Dahat, Adv.
Mr. Sourabh Gupta, Adv.
Mr. Punit Yadav, Adv.
Mr. Vasudev Agarwal, Adv.
Ms. Priya Mittal, Adv.
Mr. T. R. B. Sivakumar, AOR

Mr. Shekhar Naphade, Sr. Adv.
Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Omkar Jayant Deshpande, Adv.
Mr. Umesh Tare, Adv.
Mr. Yogesh Korke, Adv.
Mrs. Pradnya S Adgaonkar, Adv.

Mr. Sandeep Sudhakar Deshmukh, AOR

UPON hearing the counsel the Court made the following

O R D E R

The contempt petition stands disposed of in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Signed order is placed on the file)