

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7810 OF 2013

SHABNOOR
AYUB
PATHAN

Digitally signed by
SHABNOOR AYUB
PATHAN
Date: 2026.04.15
17:24:30 +0530

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

V/s.

The Deputy Collector
(Eviction and Encroachment)
& Competent Officer
... Respondents

WITH

WRIT PETITION NO.11150 OF 2013

Irfan Mohd. Latif Shaikh & Ors. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

WITH

WRIT PETITION NO.4691 OF 2014

Mohammed Shafi Shaikh ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Dr. Nilesh V. B. Pawaskar a/w Mitalee Gaikwad i/b Mr.
Rahimtulla Maheboob Momin, Ms. Kirti Purohit for the
Petitioners in both petitions.

Mr. H. D. Mulla, AGP, for the State – Respondent Nos.1
to 3 in WP/4691/2014.

Mr. Balasaheb Deshmukh, for the Petitioners in
WP/7810/2013.

Ms. A. A. Nadkarni, AGP, for the State – Respondent
No.1 in WP/7810/2013.

Ms. Mamta Shrivastava, AGP, for the State –
Respondent No.1 in WP/11150/2013.

CORAM : AMIT BORKAR, J.

DATED : APRIL 15, 2026

P.C.:

1. It appears from record that hearing of present petitions came to be deferred on three different occasions for giving opportunity to learned AGP so as to obtain proper instructions from concerned officers in relation to issues arising in present matter.
2. Learned AGP has now placed on record communication dated 24 March 2026 issued by In charge Deputy Collector (Eviction and Encroachment), also functioning as Nayab Tahsildar, Malad, .
3. Main grievance as canvassed on behalf of petitioners is that though interim protection was granted by this Court thereby restraining demolition of structure under question, still concerned department has proceeded to demolish part of said structure, which according to petitioners was admittedly authorised portion. Since this issue required clarification and instructions from authorities concerned, this Court had adjourned hearing of petitions on three earlier occasions so as to enable learned AGP to obtain instructions specifically on said aspect.
4. However, despite sufficient opportunity being granted, no response is received from Deputy Collector and Competent Authority, Slum Rehabilitation, Bandra East, Mumbai, to whom aforesaid communication dated 24 March 2026 was addressed for

necessary compliance and remarks.

5. Perusal of order dated 27 August 2013 passed in Writ Petition No. 7810 of 2013 would indicate that parties were directed to maintain status quo regarding subject matter involved in present petition. Said interim arrangement continued during pendency and disposal of Revision, though its operation was confined only to authorised structure. Prima facie material placed before Court indicates that authorised portion of structure appears to have been demolished in apparent breach and disregard of said order passed by this Court. In such circumstances, this Court finds it appropriate to issue notice under Rule 9 of Contempt of Courts (Bombay High Court) Rules, 1994, to Vinayak Padavi, In charge Deputy Collector, Malad 1, and Sachin Giri, Competent Authority, SRA, returnable on **29 April 2026**.

6. It is clarified that concerned officer shall remain personally present before this Court on each and every date of hearing unless his presence is specifically dispensed with by express order of this Court. If officer fails to remain present on next date of hearing without permission of Court, non bailable warrant shall be issued against him.

(AMIT BORKAR, J.)