



71-2026

1

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

CONTEMPT PETITION NO. 71 OF 2026
IN WRIT PETITION NO. 4722 OF 2019 (D)

(Pranali Ravindra Puttewar Vs. Union of India & Ors.)

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

Court's or Judge's orders.

Mr. Bhuvanesh Raut, Counsel for the petitioner.

.....

CORAM : ANIL L. PANSARE AND
NIVEDITA P. MEHTA, JJ.
MARCH 5, 2026

Heard.

2] Notice issued to respondent nos. 4 to 6 is
awaited.

3] The Commissioner of Police, Nagpur, shall
enquire into the matter as to why notice issued on
23/2/2026 has been not yet served.

4] Mr. J.B. Kasat and Ms Radhika Bajaj,
learned Counsels, appear suo motu on behalf of
respondent nos. 4 and 5 respectively.

5] While examining the allegation of contempt,
we would like the respondents to focus on following
observations and findings rendered by this Court in its
order dated 29/4/2025 passed in Writ Petition No.
4722/2019.

"1 to 5.6

*5.7 A perusal of the above table would indicate,
that the respondent No.5, was fully aware
regarding the existence of the 24 meters DP
road as well as the fact, that it had been*

illegally occupied by it, by constructing electric transformer, Sewage Treatment Plant (STP) and electric substation etc., which it had undertaken to remove as a condition for the sanction awarded to the second revised layout plan. The respondent No.5, therefore, cannot now contend that it was unaware of the aforesaid position or that the construction of the transformer/water treatment plant and electric substation were not on the DP road.

5.8. Mr. Purohit, learned counsel for respondent No.6- SEDCL rightly contends, that it had nothing to do with the sanction, and since the respondent No.5, had shown the location for erection of the sub- station and the transformer, had called upon the respondent No.5 to make payment of the requisite charges, which having been deposited by the respondent No.5, it had erected the sub-station and transformer at the cost and risk of the respondent No.5 and therefore, was not responsible in the matter, regarding violation of the terms of the sanction or the respondent No.5 gobbling up the 24 meters wide DP road. He, however, submits that as of date, since there were four feeder lines going out from the sub-station, it would be impossible to relocate it, for which, he invites our attention to the communication dated 28/02/2020. In our considered opinion, any difficulty in shifting the sub-station or the transformer cannot come in the way of the law taking its course and correcting an illegality. Though an expression of helplessness is being portrayed by the respondent No.6, in our considered opinion, shifting of the substation/transformer/water treatment plant is not an impossibility, but would only require greater effort and expenses by the respondent No.5, with the assistance of the personnel of the respondent No.6. We, therefore cannot condone the illegality committed by the respondent No.5 of making illegal construction of substation/transformer/water treatment plant on the land of 24 meters wide DP road, as it would be setting an absolutely bad precedent, on the basis of which, builders would have a free hand to present a fait accompli, after having committed an illegality.

6. In view of the above discussion, we allow the writ petition, by directing the respondent No.5 to remove the construction of the substation/transformer/water treatment plant and all other constructions, which may have been made by respondent No.5 on the area of 24 meters wide DP road at its costs and expenses. The same shall be done, within a period of four months from today. The respondent No.6, shall provide whatever assistance, as may be required, in this regard, by the respondent No.5. In case, this is not done, then it shall be the obligation of the respondent No.4 to do, within a reasonable time therefrom.

7. Considering the conduct of the respondent No.5 in gobbling up 24 meters DP road, we deem it a fit and proper case to impose a costs of Rs.5,00,000/- (Rupees Five Lakhs Only) upon the respondent No.5, the cost to be paid to the Raman Science Centre and Planetarium, Nagpur within a period of one week from today. The respondent No.5 is permitted to pay the cost to the said Association by NEFT/RTGS or any other online mode of payment, permissible in law. The Bank details of the said Raman Science Centre, Nagpur are as under :-

“Name : - Raman Science Centre and Planetarium, Nagpur Account No.:- 0306101022235 Name of Bank : CANARA BANK Branch Name & Address :- Sitabuldi Branch, Nagpur IFSC Code :- CNRB0000306, MICR Code : 440015002”

6] As could be seen, respondent no.5 was directed to remove construction of STP/transformer/water treatment plant and all other constructions carried by him on the area of 24 meters wide DP road. The structure was to be removed within four months from the date of order, meaning thereby, that respondent no.5 ought to have removed the structure by 28/8/2025, which he has not done.

7] The Counsel for respondent no.5 submits that certain steps were taken in this regard, and seeks time to file reply. Granted.

8] So far as respondent no.4 is concerned, his role was to remove the structure upon failure of respondent no.5 to do so as expeditiously as possible. The respondent no.4 was, thus, under an obligation to remove the structure within reasonable time, which he failed to do.

9] The Counsel for respondent no.4 submits that certain steps were taken to comply order, and seeks time to file reply. Granted.

10] We also note here that respondent no.5 was directed to pay cost of Rs.5 lakh for his conduct of encroaching upon DP road.

11] *Prima facie*, we are of the view that there is a serious failure at the hands of respondent nos. 4 and 5 to comply with the order passed by this Court. The issue of willful disobedience will, however, be considered once reply is filed.

12] List on 12/3/2026.

(JUDGE)

(JUDGE)

Sumit