

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

IA Nos. 40-42 & 43-45
&
I.A. Nos. 28-30
&
I.A. Nos. 31-33
&
I.A. Nos. 34-36 & I.A. Nos. 37-39
IN
I.A. NOS. 31-33
IN
C.P. (C) Nos. 237-239 of 2000
IN
C.A. Nos. 5623-5625/1985

MUNICIPAL CORPORATION OF GREATER BOMBAY ... PETITIONER(s)
Versus
PARAG CONSTRUCTION & PARTNERS . RESPONDENT(s)

O R D E R

On January 7, 2011, the Municipal Corporation of Greater Bombay (for short "Corporation") was directed to evict the unauthorized occupants from the subject site within eight weeks from the date of the order and submit action taken report. By peremptory order, it was directed that in case, the Corporation fails to evict the unauthorised occupants within the time granted in the order, the petitions along with interlocutory applications shall

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stand dismissed for default without further reference to the Court.

By these applications (I.A Nos. 40-42 of 2011), it has been brought to the notice of the Court that the order dated January 7, 2011 has been complied with but belatedly.

In paragraph 4(f) of these applications, a categorical statement has been made that all the 15 structures occupied by 13 unauthorised occupants have been

demolished by the R/Central Ward of the Corporation.

Having regard to the statement made in the applications, we are satisfied that delay in compliance of the order dated January 7,2011 may be condoned. We order accordingly. I.A. Nos. 43-45 of 2011 for condonation of delay in filing Action Taken Report are granted.

I.A. Nos. 40-42 of 2011 are allowed and Contempt Petitions along with Interlocutory application Nos. 37-39 in I.A. Nos. 31-34, I.A. Nos. 28-33 in Contempt Petition (C) Nos. 237-239 of 2000 and I.A. Nos. 34-36 in I.A. Nos. 31-33 in Contempt Petition (C) Nos. 237-239 of 2000 in Civil Appeal Nos. 5623-5625 of 1985 are restored to their original number. Contesting respondents may file their response to the Contempt Petitions and I.A. Nos. 37-39 in I.A. Nos. 31-34, I.A. Nos. 28-33 in Contempt Petition (C) Nos. 237-239 of 2000 and I.A. Nos. 34-36 in I.A. Nos. 31-33 in Contempt Petition (C) Nos. 237-239 of 2000 in Civil Appeal Nos. 5623-5625 of 1985 within three weeks from today.

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Rejoinder, if any, may be filed by the petitioner within two weeks therefrom.

List the Contempt Petition (C) Nos. 237-239 of 2000 along with I.A. Nos. 37-39 in I.A. Nos. 31-33, I.A. Nos. 28-33 in Contempt Petition (C) Nos. 237-239 of 2000 and I.A. Nos. 34-36 in I.A. Nos. 31-33 in Contempt Petition (C) Nos. 237-239 of 2000 in Civil Appeal Nos. 5623-5625 of 1985 after five weeks.

.....J.
(R.M. LODHA)

.....J.
(H.L. GOKHALE)

NEW DELHI
JANUARY 9, 2012.

ITEM NO.1

COURT NO.10

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA Nos. 40-42 & 43-45 in I.A. Nos. 34-36 in I.A. Nos. 31-33 in C.P.
(c) Nos. 237-239 of 2000 in C.A. Nos. 5623-5625/1985 & I.A. Nos. 37-
39 in C.P. (C) Nos. 237-239 of 2000 in C.A. Nos. 5623-5625/1985

MUNICIPAL CORPORATION OF GREATER BOMBAY

Petitioner(s)

VERSUS

PARAG CONSTRUCTION & PARTNERS

Respondent(s)

(for restoration of order dated 7.1.2011 passed by this Court along
with subject petition of its original numbers and for c/delay in
filing "Action Taken Report" in compliance with order dated 7.1.2011
passed by this Hon'ble Court and office report)

Date: 09/01/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. C.U. Singh, Sr. Adv.
Mr. Praveen Jain, Adv.
Mr. T.S.Sidhu, Adv.
Mr. Mukesh Kumar, Adv.
Mr. Akshat Kulshrestha, Adv. for
M/S. M.V. Kini & Associates

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For Respondent(s) Mr. Pallav Shishodia, Sr.Adv.
Mr. Manoj K. Mishra, Adv.
Mr. V.K.Mishra, Adv.

Mr. Dinesh Kumar Garg, Adv.

Mr. R.N. Keshwani ,Adv

Mr. Ramesh Chandra Mishra ,Adv

Mr. Sunil Kumar Jain ,Adv

Mr. Ashok K. Mahajan ,Adv

Mr. Kamlendra Mishra ,Adv

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UPON hearing counsel the Court made the following
O R D E R

I.A. Nos. 40-42 of 2011 are allowed and Contempt
Petitions along with Interlocutory application Nos. I.A.
Nos. 37-39 in I.A. Nos. 31-34, I.A. Nos. 28-33 in Contempt
Petition (C) Nos. 237-239 of 2000 and I.A. Nos. 34-36 in

I.A. Nos. 31-33 in Contempt Petition (C) Nos. 237-239 of 2000 in Civil Appeal Nos. 5623-5625 of 1985 are restored to their original number in terms of signed order. Contesting respondents may file their response to the Contempt Petitions and I.A. Nos. 37-39 in I.A. Nos. 31-34, I.A. Nos. 28-33 in Contempt Petition (C) Nos. 237-239 of 2000 and I.A. Nos. 34-36 in I.A. Nos. 31-33 in Contempt Petition (C) Nos. 237-239 of 2000 in Civil Appeal Nos. 5623-5625 of 1985 within three weeks from today. Rejoinder, if any, may be filed by the petitioner within two weeks therefrom.

List the Contempt Petition (C) Nos. 237-239 of 2000 along with I.A. Nos. 37-39 in I.A. Nos. 31-33, I.A. Nos. 28-
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33 in Contempt Petition (C) Nos. 237-239 of 2000 and I.A. Nos. 34-36 in I.A. Nos. 31-33 in Contempt Petition (C) Nos. 237-239 of 2000 in Civil Appeal Nos. 5623-5625 of 1985 after five weeks.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]