

ITEM NO.1

COURT NO.12

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 31288-31290/2011

(Arising out of impugned final judgment and order dated 21-09-2011 in WP No. 2906/2004 21-09-2011 in WP No. 899/2011 21-09-2011 in WP No. 357/2011 passed by the High Court Of Judicature At Bombay)

MAHARASHTRA STATE BOARD OF WAKFS

Petitioner(s)

VERSUS

SHAIKH YUSUF BHAI CHAWLA & ORS.

Respondent(s)

([ONLY I.A. NO. 6929/2022 IN SLP(C) NO. 3136/2016 IS LISTED UNDER THIS ITEM.]

IA No. 129104/2020 - INTERVENTION APPLICATION

IA No. 126563/2020 - INTERVENTION APPLICATION)

WITH

SLP(C) No. 3136/2016 (IX)

(IA No. 6929/2022 - APPLICATION FOR VACATION OF INTERIM ORDER)

Date : 15-03-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Parties:

Mr. Javed R. Shaikh, Adv.
Mr. Sudhanshu S. Choudhari, AOR
Mr. Mahesh P. Shinde, Adv.
Ms. Rucha A. Pande, Adv.

Mr. Tejasvi Kumar, Adv.
Mr. Syed Sarfaraz Karim, Adv.
Mr. Narender Singh, Adv.
Mr. Deepak Kumar, Adv.
Mr. Ambar Qamaruddin, AOR

Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

Ms. Chanan Parwani, Adv.
Ms. Ekta Bhasin, Adv.
Mr. Ashok Mathur, AOR

Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Rana Sandeep Bussa, Adv.

Mr. Ejaz Maqbool, AOR

Mr. T. Mahipal, AOR
Ms. Abha R. Sharma, AOR
Mr. Nirnimesh Dube, AOR
Mrs. Yugandhara Pawar Jha, AOR
Mr. Kunal Verma, AOR
Mr. Praveen Kumar, AOR

Mr. Suhas Kadam, Adv.
For M/s. Black & White Solicitors, AOR

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

IA No. 6929/2022 in SLP(C) No. 3136/2016:

This Court, on 25.02.2022, passed the following order:

“Learned counsel appearing on behalf of the Ahmednagar Municipal Corporation has submitted that the Commissioner, Ahmednagar Municipal Corporation has prepared a Panchnama. However, as the same is in Marathi language, the same has to be translated into English and will be placed before the Court on or before the next date of hearing. He has further submitted that the petitioner has put up an absolute illegal construction without any permission.

Learned counsel appearing on behalf of the applicant in IA No.6929/2022 has submitted that despite the order of status quo passed by this Court, the original petitioners have put up the construction illegally.

Learned counsel appearing on behalf of the original petitioners has stated at the Bar that the illegal construction shall be demolished within a period of three days from today. The same shall be done in the presence of the Commissioner, Ahmednagar Municipal Corporation and the Commissioner is hereby directed to see that whatever illegal construction is made and any construction made after the order of status quo passed by this Court, is demolished by the original writ petitioners and to submit report before this Court on that.

Put up on 15.03.2022.”

Today, when the present petitions are taken up for further

hearing, Mr. Tejasvi Kumar, learned counsel appearing on behalf of the petitioners before this Court, namely, Sayyad Hamid Abdul Latif and Sayad Amin Sayed Latif, has stated at the Bar that the entire illegal construction which was required to be demolished by the petitioners, have been demolished.

Mr. Shashibhushan P. Adgaonkar, learned counsel appearing on behalf of the Wakfs Committee and learned counsel appearing on behalf of the Commissioner, Ahmednagar Municipal Corporation have disputed the above and have submitted that the entire illegal construction has not been demolished and only brick works have been demolished and the RCC structure is still standing. They have placed on record the photographs taken today at 13.46 hours.

Learned counsel appearing for the petitioners has stated at the Bar that the statement that the entire illegal construction has been demolished has been made on the instructions received from the petitioners and he had gone by the instructions given by the petitioners.

Apart from the fact that the petitioners are already in contempt for making illegal construction despite the order of status *quo* granted by this Court, even thereafter also there is a wilful disobedience of the order passed by this Court dated 25.02.2022, reproduced hereinabove.

Not only that, even today also, a false statement has been made on behalf of the petitioners that the entire illegal construction has been demolished, which is factually incorrect. Therefore, the petitioners have rendered themselves liable for suitable action/punishment under the Contempt of Courts Act.

Therefore, we call upon the petitioners to show cause as to why they shall not be punished for wilful disobedience of the order of status *quo* granted by this Court; the directions issued by this Court in the order dated 25.02.2022 and for making a false statement before the Court that the entire illegal construction has been demolished. The petitioners to remain personally present before this Court on 22.03.2022.

Put up on 22.03.2022.

At this stage, we may also observe that even the Commissioner, Ahmednagar Municipal Corporation has also not properly understood and implemented our earlier order dated 25.02.2022. Vide order dated 25.02.2022, as such, the Commissioner, Ahmednagar Municipal Corporation was directed to see that whatever illegal construction is made and any construction made after the order of status *quo* passed by this Court, is demolished by the petitioners and to submit a report before this Court on that.

Though the report is submitted but he has not seen that the entire illegal construction is not demolished. Still, we, once again, direct the Commissioner, Ahmednagar Municipal Corporation to ensure the demolition of the illegal construction within a period of two days from today and submit a report to this Court before the next date of hearing.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER