

**IN THE SUPREME COURT OF INDIA**

**INHERENT JURISDICTION**

**CONTEMPT PETITION (C) NOS.184-198/2015**

(In SLP(C) NOS. 14964-14978 of 2014)

**LEKHRAJ MEGHJI SOLANKI AND ANR.**

**..Petitioner(s)**

**VERSUS**

**RAM SANBHEE BABULAL AND ORS.**

**..Respondent(s)**

**WITH**

**CONTEMPT PETITION (C) NO.219-281/2015**

(In SLP(C) NO.15007-15069 of 2014)

**AND**

**CONTEMPT PETITION (C) NO.204-217/2015**

(In SLP(C) NO.14980-14993 of 2014)

**O R D E R**

By Indenture dated 25.06.1988, the land in question was purchased by the present contempt petitioners from one Mrs. Helen Agwair alias Helen Schlesinger of Bombay. The Indenture mentioned that some structures were in existence on said land.

In proceedings initiated at the instance of the contempt petitioners, decree for eviction was passed in RAE & R Suit No.2189 of 1990 by a Judge of the

Small Causes Court, Mumbai against some of the occupants in the structures which decree was affirmed in appeal by the Appellate Bench of the Small Causes Court in Appeal Nos. 300-314 of 2005.

Revision Petitions arising therefrom having been dismissed by the High Court, challenge was raised in this Court in SLP(C) Nos.14964-14978, 14980-14993 and 15007-15069 of 2014. All these SLPs were disposed of by this Court by order dated 11.07.2014. The text of the order was as under:

“Heard. We find no merit in these Special Leave Petitions. The Special Leave Petitions are, accordingly, dismissed.

However, on the request of the learned counsel for the petitioners, we allow the petitioners further period upto 31<sup>st</sup> March, 2015 to vacate their respective premises subject to outcome of the pending writ petitions, if any, and filing of usual undertaking within four weeks and following conditions:

- (i) Petitioners shall pay arrears of rent within two months, if any, in favour of respondents and deposit the amount in the account of the respondents, number of which may be provided by the respondents or by way of bank draft;
- (ii) The petitioners will pay occupancy charges for the month of July, 2014 onwards on or before the 7th day of the subsequent month;
- (iii) The petitioners shall not create any third party interest on the suit premises including that of their sons and relatives.

On failure of any of the condition it will be open to the respondents to move before this Court for initiating contempt proceedings against the petitioners.”

Pending “Writ petitions” referred to in the order are still pending, though a submission has been raised on behalf of the contempt petitioners that on their own

showing, the alleged contemnors have accepted that the writ petitions have since then become infructuous. A submission to the contrary has been advanced on behalf of the alleged contemnors that such an assertion is found only in the affidavit filed on behalf of one person *i.e.* Respondent-30 and not by others; and as a matter of fact, those writ petitions are still pending.

Around the time when the period within which the alleged contemnors or SLP petitioners were directed to vacate the premises was to expire, applications were filed by them to discharge them of their undertaking to vacate, in light of Slum Declaration dated 26.03.2015. It must be stated that by this declaration issued on 26.03.2015, Additional Collector declared the entire property to be a Slum within the meaning of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971<sup>1</sup>. The applications so preferred were rejected by this Court vide order dated 15.05.2015.

To continue the narration with regard to the Notification dated 26.03.2015, a challenge was raised on behalf of the contempt petitioners about the validity of said Notification and the Tribunal by its order dated 12.02.2021 set aside said Notification. It appears that W.P. No.4724 of 2020 and other connected petitions being Nos. WP Nos. 89, 5929 of 2013 and 5462 & 1169 of 2021 at the instance of the SLP petitioners challenging the view taken by the Tribunal are still pending consideration before the High Court, though the High Court was not pleased to grant any interim relief in said writ petitions.

It is in this background, that the instant contempt petitions are required to be  
1 [ "the Act" for short]

considered.

The substratum of the contempt petitions is that, having given solemn undertakings to this Court, the SLP petitioners were bound to vacate respective premises on or before 31.03.2015 and having failed in discharging their obligation, they have committed contempt of the orders of this Court.

The undertakings given by the alleged contemnors to this Court were undoubtedly clear that the SLP petitioners would vacate their respective premises on or before 31.03.2015. However, the expression “subject to outcome of the pending writ petitions” also needs to be considered in proper perspective.

Learned Advocate appearing for the alleged contemnors invited our attention to some of the recitals in the original Indenture and the fact that repeated declarations have been issued designating the entire area to be a slum. The submission is that the slums have been in existence since long and as a result of such declaration, independent rights as acknowledged by the Statute will definitely flow in favour of the alleged contemnors.

Since the challenge as noted in the order dated 11.7.2014 and Writ Petitions being Nos.89, 5929 of 2013, 4724 of 2020, and 5462 & 1169 of 2021 are still pending consideration before the High Court, one cannot rule out the possibility that the alleged contemnors may succeed in their challenge. If the premises are directed to be vacated at this juncture, there is likelihood that the character of the property may

change, resulting in some prejudice to the alleged contemnors. At the same time litigation must attain finality at an early date. We, therefore, pass following directions:

A. All the alleged contemnors shall be deemed to have vacated and handed over possession of the structures in their occupation to the Official Receiver of the High Court of Bombay on and with effect from today.

b) With effect from today, the entire property shall be under the custody of the Official Receiver and the occupation of the alleged contemnor shall be purely in the capacity as agents of the Official Receiver.

c) The alleged contemnors shall be allowed to occupy the concerned structures subject to their depositing all the arrears of occupation charges @ Rs.10/- per sq. ft. per month. All the arrears upto April 2022 shall be deposited with the Official Receiver within two months from today and they shall continue to deposit the occupation charges at the same rate for months to follow. The current dues for a month shall be paid before the 5<sup>th</sup> day of the succeeding month. If there be any default either in paying the arrears or in payment of the current occupation charges, the Official Receiver shall be entitled to resume possession immediately.

Since the entire controversy centers around the declaration as slum Area, we request the High Court to consider disposing of the pending writ petitions as early as possible and preferably within six months from today. All the parties have assured us that they shall extend complete cooperation in having an early resolution to the

disputes and no adjournment shall be prayed for on their behalf.

Needless to say that as and when such challenge is decided, the High Court may pass such consequential orders as are necessary. In case of any difficulty, the Official Receiver is at liberty to make appropriate application in pending writ petitions before the High Court.

With the aforesaid observations, the contempt petitions are closed.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[S. RAVINDRA BHAT]

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

New Delhi;  
May 6, 2022.

ITEM NO.25

COURT NO.2

SECTION IX

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

CONMT.PET.(C) No. 184-198/2015 In SLP(C) No. 14964-14978/2014

LEKHRAJ MEGHJI SOLANKI AND ANR.

Petitioner(s)

VERSUS

RAM SANBHEE BABULAL AND ORS.

Respondent(s)

(IA No. 113447/2019 - CLARIFICATION/DIRECTION; IA No. 11159/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

CONMT.PET.(C) No. 219-281/2015 In SLP(C) No. 15007-15069/2014 (IX)  
 (IA No. 113448/2019 - CLARIFICATION/DIRECTION)

CONMT.PET.(C) No. 204-217/2015 In SLP(C) No. 14980-14993/2014 (IX)  
 ( IA No. 113444/2019 - CLARIFICATION/DIRECTION)

Date : 06-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
 HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
 HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Shekhar Naphade, Sr.Adv.  
 Mr. Vinay Navare Sr. Adv.  
 Mr. Mayuresh S. Lagu,Adv.  
 Mr. Amol Chitale, Adv.  
 Mr. Sourabh Tandon, Adv.  
 Mrs. Pragya Baghel, AOR

For Respondent(s) Mr. Yadav Narendra Singh, AOR  
  
 Mr. Sachin Patil, AOR  
 Mr. Aaditya A. Pande, Adv.  
 Mr. Rahul Chitnis, Adv.  
 Mr. Sachin Patil, AOR.  
 Mr. Geo Joseph, Adv.  
 Ms. Shewtal Shepal, Adv.  
  
 Mr. Ashutosh Yadav Adv  
 Mr. Kumar Dushyant Singh, AOR

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

The contempt petitions are closed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(PREETHI T.C.)  
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)