

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.80 OF 2024
IN
WRIT PETITION NO.702 OF 2023**

Paromita Puthran ... Petitioner
V/s.
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

**WITH
INTERIM APPLICATION (L) NO. 17122 OF 2023
IN
WRIT PETITION NO.702 OF 2023**

Mr. Gauraj Shah a/w Ms. Bhuneshwari Kanojia i/by Samaa Shah for the Petitioner.
Mr. Manish Upadhye, AGP for Respondent Nos.8, 10 to 14-State.
Mr. Rahul Sarda a/w Avadhoot Prabhu i/by Lex Services for Respondent Nos.15 to 17.
Mr. Hanumant Pawar, Administrator is present.

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**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATE : 10TH JUNE 2025**

P.C.:

1. This Contempt Petition is filed making a grievance that the orders dated 27th March 2023, 28th March 2023 and 24th April 2023 passed by a Division Bench of this Court in Writ Petition No.702 of 2023 are breached by the respondents/contemnors and more particularly in the manner *interalia* as set out in paragraph 23.a. and other averments as made in the Petition. Paragraph 23.a. reads thus:

“23.a. That, pursuant to orders dated 27th March, 2023, 28th March, 2023 and 24th April, 2023, it was incumbent upon the Respondent Nos.15 to 17 to not employ bouncers, as per the undertaking given before this Hon’ble Court, as

well as in compliance of the orders passed by this Hon'ble Court. However, the Respondent Nos.15 to 17's failure to do so, have thus rendered them liable for contempt proceedings."

2. We have heard these proceedings on the earlier occasion as also today.
3. We may observe that on the contentions as urged by the Petitioner, on the breach of these orders, a categorical stand was taken on behalf of Respondent Nos.15 – RNA Royale Park CHS Ltd. (for short '*the cooperative society*') as also on behalf of Respondent Nos. 16 and 17 as recorded in the earlier orders that henceforth bouncers would not be engaged and more particularly in relation to the Petitioner or any other member feeding the stray dogs who have territorial affinity to the premises of the cooperative society.
4. We have perused the aforesaid three orders passed by the Division Bench of this Court, which are said to be breached. In regard to the Petitioner's contention of the employment of bouncers, we find that there are appointment letters issued to one Manisha Rohan Sen and also to Mrs. Nazia Filavi Khan on 24th December 2024, who were earlier working as bouncers and according to the Petitioner were continued to be employed by the cooperative society under the said appointment letters and that infact there is no change of the duties, as they are stated to be discharging duties as bouncers. In support of this contention, photographs are also placed on record, which are not disputed by the Contemnors.

5. Mr. Sarda who represents Respondent Nos.15, 16 and 17-Contemnors, on instructions, states that in order to resolve the issues, so that the present proceedings are not taken forward, his clients would not be averse that Manisha Rohan Sen and Mrs. Nazia Filavi Khan, who are appointed as special security personnel, according to the Petitioner as bouncers, can be removed. In our opinion, such stand taken on behalf of the Contemnors is a correct stand considering the clear position taken by the society and as recorded in the orders passed by this Court of which breach is alleged.

6. We are informed that the Managing Committee of the cooperative society has been superseded by the State Government by order dated 6th February 2025 and now Mr. Hanumant Pawar, who is present in the Court, has been appointed as an Administrator, who has taken charge on 8th February 2025. We, accordingly, direct the Administrator to issue an appropriate communication to relieve and/or discontinue the duties of these two persons, within a period of two days from the day a copy of this order is available.

7. Considering the fair stand taken on behalf of Respondent Nos.15 to 17, we are inclined not to pass any further orders in exercise of our contempt jurisdiction, against these Contemnors.

8. We note from the earlier orders passed by the Division Bench of this Court that at the relevant time there were 18 stray dogs having a territorial affinity to the

premises of the cooperative society. However, as on date Mr. Shah, Learned Counsel for the Petitioner informs that there are 15 dogs.

9. We note from the submissions as advanced by Mr. Sarda as also Mr. Shah that there are some issues in regard to the feeding of dogs, as also, water being not provided to these animals, more particularly considering the observations as made by the Division Bench in its orders as noted hereinabove, as alleged to be breached. We also observe that the water bowls, which are provided for the dogs, shall not be removed. This is fairly agreed by Mr. Sarda.

10. To resolve the issues/disputes on these matters if at all they arise, we are of the opinion that the Administrator shall appoint an appropriate committee comprising of five members, which would include the Petitioner and two dog lovers and two other members, which can look into and amicably resolve such issues. Let an amicable resolution of such disputes, if any, be discussed by the Committee and appropriate measures be taken.

11. Needless to observe that in the event if there is any further breach of the aforesaid orders, it is free for the parties to resort appropriate proceedings.

12. With these observations, we dispose of this Contempt Petition.

13. In view of the above, Interim Application shall also stand disposed of.

(ARIF S. DOCTOR, J.)

(G.S. KULKARNI, J.)