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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6969 OF 2023
WITH
INTERIM APPLICATION(ST) NO. 23991 OF 2025
WITH
INTERIM APPLICATION(ST) NO. 29058 OF 2025**

Manubhai Hargovandas Patel ... Petitioner/Applicant
vs.

City and Industrial Development ... Respondent
Corporation through its Vice Chairman
and Managing Director

Mr. Manubhai H. Patel, Petitioner in person.

Mr. Ashutosh M. Kulkarni, for Respondent on VC.

CORAM : GAURI GODSE, J.

DATED : 30th SEPTEMBER 2025

ORDER:

1. The writ petition is disposed of as infructuous by order dated 19th June 2025. However, in view of the derogatory remarks made by the petitioner, making baseless allegations of corruption against the concerned District Judge, the petitioner

was called upon to explain as to why a contempt action, including an action of criminal contempt, should not be initiated against him. The matter was accordingly directed to be listed on 23rd July 2025. On 23rd July 2025, the petitioner, who appeared in person, sought time on the ground that he was unwell. Hence, it was directed to be listed on 26th August 2025. It is necessary to clarify that the contempt action was not initiated. But to allow the petitioner to rectify his actions, I found it fit to call upon the petitioner to explain why the action for criminal contempt should not be initiated.

2. On 26th August 2025, the petitioner tendered a copy of an application stating that this court should recuse from this matter as he does not have faith in this court. Since this cannot be a reason to recuse from the matter, I refused the petitioner's request. Thereafter, the petitioner submitted that he would file an application for the transfer of the matter to another court. Considering the earlier order dated 19th June 2025, and in view of the seriousness of the matter, I refused to adjourn the matter. Hence, the petitioner sought leave to withdraw the application for recusal and also sought leave to withdraw his statement that he

intends to file an application for transfer.

3. Thereafter, the petitioner stated that he had filed an application for taking action of perjury. He requested time to place on record a copy of the judgment of this court to support his submission that if an application for perjury is filed, it has to be decided before hearing the contempt notice. Considering the submissions made by the petitioner, the application dated 26th August 2025, tendered by him requesting recusal by this court, was returned to him. The petitioner was also permitted to withdraw his request for recusal, and his statement was accepted that he does not wish to apply for transfer.

4. By order dated 26th August 2025, it was clarified that by the last order, the petitioner was called upon to explain as to why the contempt action, including the action of criminal contempt, should not be initiated. Since the petitioner had already filed an affidavit-in-reply, it was further clarified that on the next date, the issue as to whether the contempt action is necessary would be decided after hearing the petitioner. To enable the petitioner to place on record the copies of judgments that he wished to rely

upon, the petition was adjourned for today.

5. Today, the petitioner has tendered a fresh application that this court should recuse from the matter. The application tendered by the petitioner is taken on record. He submits that only the EC number is generated, and the filing number is not given to his application. Along with the application for recusal, the petitioner has attached a copy of a letter dated 11th July 2025 addressed to the Hon'ble President of India, the Hon'ble Chief Justice of India and the Hon'ble Chief Justice of this Court. The copy of the application annexed at page 15 contains derogatory remarks against this court. In the copy of the application tendered today, there is an unnumbered application stated to have been filed under Section 24 of the Civil Procedure Code, 1908, with a prayer to recall the order dated 19th June 2025 and for transferring the disposed of matter and the interim application to another court. Even in these applications, the petitioner has made baseless allegations of corruption and fraud against the concerned District Judge and derogatory remarks alleging malice against this court, the District Judge, and the Advocate for the respondent.

6. The petitioner has also tendered a letter dated 29th September 2025, addressed to the Joint Director, Zone-I, ACB, CBI. Even in this application, the petitioner has made bald and baseless allegations of corruption against the concerned District Judge and derogatory remarks against this court, the District Judge and the advocate who appears for the respondent. The application with EC number and the letter dated 29th September 2025 are taken on record.

7. The petitioner has also tendered a copy of the order dated 26th April 2018, passed in Civil Application No. 2939 of 2017 in Writ Petition No. 14039 of 2017. The petitioner submits that this court, in the said order dated 26th April 2018, has taken a view that the application under Section 340 of the Criminal Procedure Code should be decided before deciding the main matter.

8. The petitioner was called upon to make his submissions in response to the order dated 19th June 2025, calling upon him to explain as to why the contempt action, including the action of criminal contempt, should not be initiated against him. In response, the petitioner submits that the order dated 19th June

2025 was passed only after hearing the advocate for the respondent corporation and the petitioner was not heard. He submits that he does not wish to make any submission and would instead press for the transfer of the writ petition to another court.

9. The writ petition was filed to challenge the order dated 10th March 2023, passed by the District Court at Panvel in Civil Miscellaneous Application No. 303 of 2019. By the impugned order, the District Court had stayed the execution of the decree dated 31st July 2018, passed in Special Civil Suit No. 159 of 1991(New Special Civil Suit No. 180 of 1992) till the disposal of the petition for condonation of delay. On 19th June 2025, learned counsel for the respondent had placed on record a copy of the order dated 8th February 2024, disposing of the petition for condonation of delay. In view of the disposal of the petition for condonation of delay, the Writ Petition No. 6969 of 2023 was disposed of on 19th June 2025 as infructuous. The petitioner had submitted that he had filed a separate interim application to challenge the order dated 8th February 2024. Since the substantive order of 8th February 2024, deciding the application

for condonation of delay could not have been challenged by way of an interim application, the petitioner was granted liberty to challenge the order dated 8th February 2024, by adopting appropriate proceedings as permissible in law.

10. Since the petitioner had made oral allegations by using derogatory language against the concerned District Judge, I had explained to the petitioner that he should refrain from making such bald allegations, as they would amount to contempt of court and would amount to interference in the administration of justice. Since the petitioner repeatedly made bald allegations of corruption by using derogatory remarks, I found it necessary to call upon the petitioner to explain why a contempt action, including the criminal action, should not be initiated against him.

11. Even today, while dictating this order, the petitioner again used derogatory language by making allegations against the concerned District Judge, stating that an officer of the respondent (CIDCO) had bribed the District Judge. At this stage, the petitioner submits that though on 19th June 2025, he had made a statement that the Criminal Writ Petition No. 215 of 2024

was filed by him before the Division Bench of this court seeking direction to register FIR against the concerned District Judge under the Prevention of Corruption Act, 1988 this court did not record that the statement in order dated 19th June 2025. I do not recollect any such submissions made. Learned counsel for the respondent (CIDCO), who was present on 19th June 2025, also submits that such a statement was not made. I do not find it necessary to discuss this issue any further, as everything that transpired on 19th June 2025 is recorded in the order.

12. Today, the petitioner stated that he does not wish to make any further submissions before this court on the ground that he has applied for transfer before the Hon'ble Chief Justice. The application, which is annexed at page 18 of the application with the EC number tendered today, shows that the application for transfer was filed on 6th September 2025.

13. The petitioner has made various derogatory statements in this petition and its annexures, as well as in the affidavit dated 14th July 2025 and the other applications, which are taken on record today. The petitioner's oral as well as written allegations

of corruption using derogatory remarks are not only against the concerned District Judge but also against this court, the advocate who appears on behalf of the respondent corporation and against the judiciary in general. I find it necessary to record that Writ Petition No. 6969 of 2023 was already disposed of on 19th June 2025. The petition was directed to be listed on the point as to whether the action of contempt, including criminal contempt, needs to be initiated against the petitioner.

14. Considering what is recorded in the preceding paragraphs and on perusal of various derogatory remarks made in all the various applications by the petitioner, *prima facie*, I am convinced that it is necessary to initiate action under the Contempt of Courts Act, for committing criminal contempt amounting to interference in the administration of justice. The petitioner relies upon the decision of this court in Criminal Reference No. 5 of 2024 in the case of ***S.B. Patil Vs. Manubhai Hargovandas Patel***¹. He submits that the learned Division Bench of this court has taken the view that a personal remark made against the concerned judge would not amount to causing

¹ MANU/MH/7077/2024

interference in the administration of justice or lowering the authority of the court and does not attract Section 15(2) of the Contempt of Courts Act.

15. This court is constrained to record that, although I have explained to the petitioner that it would not be right to make bald and general allegations against the judiciary, the petitioner continued to make baseless allegations of corruption by using derogatory remarks, implying that most judges are corrupt. Today in open court, the petitioner orally stated that the entire Judiciary may not be corrupt, but 90% of the Judiciary is corrupt and criminal action should be taken against the judges. He further stated that the CIDCO's officer gave crores of rupees to the concerned District Judge. He also stated that he has no faith in this court.

16. In my view, the baseless oral comments made by the petitioner today in the open court and as recorded in Order dated 19th June 2025 and even in the petition, the affidavit dated 14th July 2025 and in the other applications tendered today making baseless allegations of corruption, doubting integrity of judges,

and expressing distrust in the court amounts to scandalising and lowering the authority and dignity of the court and also obstructs the due course of the judicial proceedings and interferes in the administration of justice.

17. The petition was disposed of as infructuous on 19th June 2025. Although this court granted liberty to the petitioner to challenge the order passed by the concerned District Judge allowing the respondent's delay application, the petitioner has chosen not to pursue the appropriate proceedings as permissible in law, but instead repeated the baseless allegations. Hence, such general allegations of corruption, containing derogatory remarks made personally against judges concerning judicial proceedings pending before them, as well as against the judiciary, and the insistence that the court should spend judicial time examining such baseless and general allegations, amounts to interference in the administration of justice. Such remarks are scandalous, defamatory and contemptuous, bringing disrepute to the institution of the judiciary.

18. Therefore, prima facie, I am of the opinion that the

petitioner is guilty of committing contempt of court as defined under Section 2(c) of the Contempt of Courts Act and appropriate action needs to be initiated.

19. In the decision in the Criminal Reference No. 5 of 2024, relied upon by the petitioner, the Division Bench of this court examined prima facie findings recorded by the referral Judge that derogatory statements made by the party amounts to criminal contempt as defined in Section 2(c) of the Contempt of Courts Act where the referral judge has requested to take cognizance of the contempt under Section 15 of the Contempt of Courts Act, against the contemnor. However, the Division Bench has rejected the reference by holding that the remarks are personal and would not attract section 15 (2) of the Contempt of Courts Act. The relevant observations of the Division Bench are in paragraphs 9 and 10, which read as under:

“9. According to us, the plaintiff has made personal allegations against the judicial officer due to the time consumed in the litigation and we find that though the judicial officer might be justified in adjourning the matter, however it seems that the litigant got disturbed due to the delay and the time consumed in the litigation, and hence he made personal allegations against

the referral Judge, of seeking illegal gratification for hearing the matter.

10. Considering that these are the personal remarks made against the concerned Judge and it do not amount to 'causing interference', in the administration of justice or lowering the authority of the Court and it does not attract Section 15(2) of the Contempt of the Courts Act. We find no case being made out for Reference."

20. The legal principles on the interpretation of the definition of "criminal contempt" under Section 2(c) of the Contempt of Courts Act are settled by the Full Bench of our court in the decision of ***Bombay High Court on its Own Motion vs. Ketan Tirodkar***², and also by the Hon'ble Apex Court in the decision of ***Prashant Bhushan (Contempt Matter), In re***,³. The Full Bench of our court, in the decision of ***Bombay High Court on its Own Motion vs. Ketan Tirodkar*** held in paragraph 38 as under:

"38. A perusal of the offending posts would demonstrate that these are "publication" and falling within the clear language of the provision. The language of section 2 clause (c) is plain and unambiguous. If criminal contempt means the publication of any

2 2018 SCC OnLine Bom 3162

3 (2021) 1 SCC 745

*matter or the doing of any other act whatsoever, then, these are nothing but publications and the content thereof so also the acts in relation thereto, scandalise and lower the authority of this Court. Further, they interfere and obstruct the administration of justice. There is a clear mandate flowing from the law and namely that this law is enacted for keeping the administration of justice pure and undefiled. This is a jurisdiction to maintain the dignity of the Court at all costs. **By naming Judges individually, sitting and retired, and casting aspersions on their character, integrity and impartiality, the respondent is guilty of criminal contempt. This is not a mere defamation of a Judge/s otherwise than in discharge of his or her duties as such. This is a clear case of scandalising and lowering the authority of the Court itself. By targeting the Judges of this Court, the respondent is scandalising and lowering the authority of the Court itself.** It is well settled that a High Court is the highest Court in the State. It is not the last or the final Court, but is a Court conferred with Original, Civil Appellate, Criminal Appellate and Constitutional jurisdiction, The High Court is a creature of the Constitution itself. The High Court of a State is an important part of the judicial set-up established by our Constitution. This Court is approached by lakhs of litigants who are aggrieved by the actions and orders of the State Government, quasi-judicial authorities and judicial tribunals, subordinate Courts trying civil and criminal cases. This Court is also conferred with supervisory jurisdiction under Article 227 of the Constitution of India. Its*

powers are both supervisory and administrative. It ensures that every Court or Tribunal subordinate to it acts within the limits of its authority, power and jurisdiction. It corrects erroneous orders and illegal actions of Courts and Tribunals and that of statutory authorities and the Government. It being endowed with wide and enormous powers is, in the true sense of the term, a guardian and trustee of the public and ensures that the constitutional guarantee of justice to all is well and truly fulfilled. Its position and status being as above, by the impugned publications, the reputation and image of this Court itself is tarnished immensely. The public trust and confidence would be totally shaken if due cognizance of such publications is not taken and the person publishing the same is not proceeded against for contempt, that trust and confidence will erode further.”

(emphasis applied by me)

21. The Hon'ble Apex Court in the decision of ***Prashant Bhushan (Contempt Matter), In re***, held as under:

*“56. It could thus be seen, that it has been held by this Court, that hostile criticism of Judges as Judges or judiciary would amount to scandalising the court. It has been held, that any personal attack upon a Judge in connection with the office he holds is dealt with under law of libel or slander. **Yet defamatory publication concerning the Judge as a Judge brings the court or Judges into contempt, a serious impediment to justice and an inroad on the majesty of justice.** This Court further observed, that*

any caricature of a Judge calculated to lower the dignity of the court would destroy, undermine or tend to undermine public confidence in the administration of justice or the majesty of justice. It has been held, that imputing partiality, corruption, bias, improper motives to a Judge is scandalisation of the court and would be contempt of the court. It has been held, that the gravamen of the offence is that of lowering his dignity or authority or an affront to the majesty of justice. This Court held, that Section 2(c) of the Act defines “criminal contempt” in wider articulation. It has been held, that a tendency to scandalise the court or tendency to lower the authority of the court or tendency to interfere with or tendency to obstruct the administration of justice in any manner or tendency to challenge the authority or majesty of justice, would be a criminal contempt.”

“58. The observations of the Constitution Bench reiterate the legal position that the contempt jurisdiction, which is a special jurisdiction has to be exercised sparingly and with caution, whenever an act adversely affects the administration of justice or which tends to impede its course or tends to shake public confidence in the judicial institutions. This jurisdiction may also be exercised, when the act complained of adversely affects the majesty of law or dignity of the courts. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law. This jurisdiction is not to be exercised to protect the dignity of an individual Judge, but to protect the administration of justice from being maligned. It is reiterated, that in the general interest

of the community, it is imperative that the authority of courts should not be imperilled and there should be no unjustifiable interference in the administration of justice. It has been reiterated, that no such act can be permitted, which may have the tendency to shake the public confidence in the fairness and impartiality of the administration of justice. ”

“60. This Court reiterated the position, that fair criticism of the conduct of a Judge, the institution of the judiciary and its functioning may not amount to contempt, if it is made in good faith and in public interest. For ascertaining the good faith and the public interest, the courts have to see all the surrounding circumstances including the person responsible for comments, his knowledge in the field regarding which the comments are made and the intended purpose sought to be achieved. ”

*“61. It could thus be seen, that it is well settled that a citizen while exercising right under Article 19(1) is entitled to make a fair criticism of a Judge, judiciary and its functioning. However, the right under Article 19(1) is subject to restriction under clause (2) of Article 19. An attempt has to be made to properly balance the right under Article 19(1) and the reasonable restriction under clause (2) of Article 19. If a citizen while exercising his right under Article 19(1) exceeds the limits and makes a statement, which tends to scandalise the Judges and institution of administration of justice, such an action would come in the ambit of contempt of court. **If a citizen makes a statement which tends to undermine the dignity and authority of this Court, the same***

would come in the ambit of “criminal contempt”. When such a statement tends to shake the public confidence in the judicial institutions, the same would also come within the ambit of “criminal contempt”.”

“62. No doubt, that when a statement is made against a Judge as an individual, the contempt jurisdiction would not be available. However, when the statement is made against a Judge as a Judge and which has an adverse effect in the administration of justice, the Court would certainly be entitled to invoke the contempt jurisdiction. No doubt, that while exercising the right of fair criticism under Article 19(1), if a citizen bona fide exceeds the right in the public interest, this Court would be slow in exercising the contempt jurisdiction and show magnanimity. However, when such a statement is calculated in order to malign the image of judiciary, the Court would not remain a silent spectator. When the authority of this Court is itself under attack, the Court would not be an onlooker. The word “authority” as explained [R. v. Almon, 1765 Wilm 243 : 97 ER 94] by Wilmot, C.J. and approved by the Constitution Bench of this Court in Baradakanta Mishra [Baradakanta Mishra v. High Court of Orissa, (1974) 1 SCC 374 : 1974 SCC (Cri) 128] does not mean the coercive power of the Judges, but a deference and respect which is paid to them and their acts, from an opinion of their justice and integrity.”

emphasis applied by me

22. Hence, in the present case, for the reasons recorded

above, *prima facie*, I am of the opinion that the personal remarks and the allegations made by the petitioner against the concerned District Judge, this court and against the entire judiciary in open court during the judicial proceedings and also in writing by naming the Judges individually and casting aspersions on their character, integrity and impartiality, is not a mere defamation of the Judges otherwise than in discharge of his or her duties as such. Therefore, it is a clear case of scandalising and lowering the authority of the Court itself. By targeting the District Judge and this Court, the petitioner is scandalising and lowering the authority and dignity of the Court itself. It also amounts to interfering with the due course of a judicial proceeding, causing obstruction and interference in the administration of justice.

23. The criminal reference before the learned Division Bench also pertains to this petitioner. Thus, it is apparent that the petitioner is habituated to making such baseless allegations of corruption to pressurise the judges and bring disrepute to the judiciary. Hence, *prima facie*, I am of the opinion that the petitioner would be guilty of committing contempt of court as defined under Section 2(c) of the Contempt of Courts Act and

would be liable for action under Section 15 of the Contempt of Courts Act.

24. The decision of the Hon'ble Division Bench in the case of *High Court on its Own Motion vs. Ketan Tirodkar*, and also the decision of the Hon'ble Apex Court in the decision of *Prashant Bhushan (Contempt Matter), In re*, was not brought to the notice of the learned Division Bench of this Court while deciding the criminal reference in the case of *S.B. Patil Vs Manubhai Hargovandas Patel*. Hence, the view taken by the learned Division Bench of this court in the decision above, prima facie, is contrary to the law laid down by the Hon'ble Full Bench of our court and the Hon'ble Apex Court in the decisions mentioned above and therefore may not be a binding precedent.

25. The Hon'ble Apex Court in the decision of *Lala Shri Bhagwan v. Ram Chand*⁴, held that when a Single Judge, finds that a decision of a Division Bench of that court needs to be reconsidered, the proper and traditional way to deal with such matters founded on healthy principles of judicial decorum and

4 1965 SCC OnLine SC 73

propriety is that, the Single Judge, in a proper case, place the relevant papers before the Chief Justice to enable him to examine the question. Therefore, in the present case, judicial propriety and decorum require that a report be submitted to the Hon'ble the Chief Justice.

26. Thus, it is necessary to make a report under Rule 8 of Chapter I of Bombay High Court Appellate Side Rules, 1960, to the Hon'ble the Chief Justice for an appropriate decision.

27. Hence, the papers of this matter, along with a copy of this order, shall be forwarded to the learned Registrar (Judicial-I) forthwith for taking immediate steps for placing the papers of this matter along with a copy of this order before the Hon'ble the Chief Justice for necessary directions.

GAURI GODSE, J.)