

ITEM NO.301

COURT NO.1

SECTION X

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

Suo Moto Writ (Civil) No.5/2024

**IN RE: HERITAGE BUILDING OF THE BOMBAY HIGH COURT AND ALLOTMENT OF
ADDITIONAL LANDS FOR THE HIGH COURT**

Date : 07-05-2024 This petition was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE J.B. PARDIWALA**

For Petitioner(s)

By Courts Motion

For Respondent(s) Mr. Tushar Mehta, SG

State of Maharashtra Dr. Birendra Saraf, Adv.Gen.

High Court Mr. Sandeep Sudhakar Deshmukh, AOR

Bombay Bar Association Mr. Nikhil Sakhardande, Sr. Adv.

Mr. Venkatesh Dhond, Sr. Adv.

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

- 1 The assumption of the *suo moto* jurisdiction by this Court is premised on the extreme urgency of the need for proper accommodation for the High Court of Judicature at Bombay.

- 2 The existing building is about a hundred and fifty years old. On 3 October 2022, the High Court approved the proposal of the Government of Maharashtra for allotting lands to it at Bandra (East), Mumbai. Dr Birendra Saraf, Advocate General for the State of Maharashtra submitted that even at that stage, it was known that the land was occupied by the government colonies which house staff of the State. A Government Resolution was for allotment of the land to the High Court was issued in March 2023. The Advocate General states that steps are being taken to hand over vacant possession of the land to the High Court.
- 3 The Advocate General has stated that an area of 30.16 acres has been allotted for the purpose of constructing the building of the High Court and other appurtenant facilities, including chambers for lawyers. This comprises an area of 8.5 hectares for the High Court building and 6.36 hectares for the chambers for lawyers. It has been envisaged by the State Government that by December 2024, an area ad-measuring 9.64 acres would be vacated from the staff colonies and handed over to the High Court, while an area of 13.75 acres would be handed over by March 2025. It has been stated that there are staff colonies situated on the periphery of the land which has been allotted to the High Court, but this would not come in the way of the progress of the construction of the building for the High Court.
- 4 Four aspects of the matter warrant immediate attention: The first pertains to expeditious steps being taken for handing over vacant possession of the site to the High Court. We are conscious of the humanitarian facets involved since staff colonies exist on the land which is allotted to the High Court and the occupants would have to be relocated elsewhere. Conscious as we are of these aspects, we are of the considered view that the State Government must now act with all alacrity and expedite the handing over of vacant possession of the land to the High Court so that construction can commence at the earliest.

- 5 The second aspect relates to the need of the High Court for the allotment of additional space in the vicinity of the present building which is situated at Fort, Mumbai. The existing building bears the brunt of its antiquity, saline weather conditions prevalent in Mumbai and the expansion of the use of the building for offices, court rooms, facilities for lawyers and chambers for Judges. The need of the High Court for the allotment of additional space is pressing. We have requested Mr Tushar Mehta, Solicitor General of India to intervene in the matter to bring about an early resolution in consultation both with the Union Government and the State Government. There are buildings of the Union Government and its instrumentalities, including PSUs in the vicinity which may be utilized for augmenting the available space of the High Court. The financials would have to be worked out between the Union Government and the State Government entirely at their end.
- 6 We have, therefore, requested that in the course of the ensuing week a meeting be convened by the learned Chief Justice of the High Court of Judicature at Bombay and the Building Committee of the High Court with the Chief Secretary of the State of Maharashtra, the Advocate General and other officers at a sufficiently senior level of the Union and State Governments. We also request the Solicitor General to join in the meeting online. The Chief Justice would be at liberty to nominate any other members to attend the meeting. We would expect that this Court would be apprised on the next date of listing of the decision which has been taken in that regard.
- 7 The third aspect pertains to the commencement of the process for preparing the drawings and designs for the new buildings and appurtenant facilities of the High Court at Bandra. The Advocate General has informed the Court that a Sub Committee was constituted by the High Court which has visited several High Court buildings in the country including the buildings at Lucknow, Jharkhand, Rajasthan and Delhi. The High Court in consultation with the Public Works Department should proceed immediately to a stage

where the drawings can be finalized so that the tendering process can be initiated. The antecedent works need not await the actual handing over of the possession of the land to the High Court.

- 8 The fourth aspect pertains to the structural safety of the existing building of the High Court. The Public Works Department of the State government shall immediately carry out a structural audit of the existing premises so that this Court can be apprised of the safety and other related aspects of the existing building. The Court shall be apprised on the next date of listing of the steps which have to be taken to ensure structural safety.
- 9 Having flagged the above three issues, we direct that the proceedings be listed before this Court on 17 May 2024 at 10.30 am when the Court shall be apprised of the progress which has been made on all four aspects.
- 10 The assumption of jurisdiction by this Court shall not in any manner operate as a restraint on the High Court both on its judicial side and administrative sides taking necessary steps in implementation of the decisions which have already been taken for the shifting of the functions of High Court to Bandra (East), Mumbai.
- 11 List the Petition on 17 May 2024 at 10.30 am.

(CHETAN KUMAR)
A.R. - cum - P.S.

(POOJA SHARMA)
COURT MASTER