

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

LD-VC NO. 46 OF 2020

(To be numbered subsequently)

Pradeep Gandhi & Ors.

---Petitioners

Versus

State of Maharashtra & Anr.

---Respondents

Mr. Amogh Singh, a/w Mr. Gaurav Srivastav, i/by D.P. Singh,
for the Petitioners.

Mr. Anil Sakhare, Senior Counsel, a/w Ms. Yamuna Parekh, for
the Respondent-Corporation.

Ms. Purnima Kantharia, GP, Ms. Geeta Shastri, Addl. G.P., a/w
Mr. Kedar Dighe, AGP, for the Respondent-State.

CORAM : R. I. CHAGLA J.

DATE : 08 May 2020

ORDER :

1. This Writ Petition has been circulated and is taken up via video conferencing, in view of Covid-19 pandemic situation.

2. The learned Counsel appearing for the Petitioners relies upon an order passed by the Supreme Court on 04.05.2020 in the SLP filed challenging the ad-interim order passed by this Court dated 27th April 2020 which had denied ad-interim relief in this Petition. The Supreme Court in the said order considered the fact that since the Petitioner and his family members are worried about the spread of Covid-19 thanks to burials taking place in the immediately adjacent burial ground, the Motion can itself be taken up and disposed at the earliest, preferably within a period of two weeks.

3. The learned Counsel for the Petitioner states that since the interim relief is the same as the final relief, the Petition itself can be disposed and it is not necessary as made out by the Respondents to file a Motion in the Petition.

4. The learned Senior Counsel appearing for the Respondent No.2-Corporation states that the order of the Supreme Court is very clear that a Motion itself is

contemplated which when filed is to be disposed of at the earliest. He seeks time to file the Reply of Respondent No.2-Corporation.

5. The learned Advocates appearing for the respective Intervenors request to be heard. They shall remain present on the next date.

6. The Respondent No.2-Corporation shall file its Affidavit in Reply to the Petition within a period of one week from today. The Writ Petition is adjourned to 19th May 2020.

7. Since I have heard the matter via Video Conferencing, following the procedure previously notified, the matter is assigned a temporary number. A formal number will follow once normal working of the Court resumes.

8. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production

by fax or email of a digitally signed copy of this order.

[R. I. CHAGLA J.]