

**IN THE HON'BLE SUPREME COURT OF INDIA**

**(CIVIL ORIGINAL JURISDICTION)**

**PUBLIC INTEREST LITIGATION**

**WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2020**

(Petition under Article 32 of the Constitution of India read with Order XXXVIII of the Supreme Court Rules, 2013)

**IN THE MATTER OF:**

V.P. Patil

...PETITIONER

VERSUS

1. Union of India,  
Through the Secretary,  
Ministry of Home Affairs,  
North Block,  
Central Secretariat,  
New Delhi-110001
  2. Ministry of Law and Justice  
Through its Secretary, Union of Indian  
4th Floor, A-Wing, Shastri Bhawan  
New Delhi-110 001
  3. The State of Maharashtra  
Through The Chief Secretary  
General Administration Department  
Mantralaya Mumbai 400 032.
  4. The Registrar General  
High Court of Bombay  
Mumbai 400 032.
  5. Government of Goa  
Through its Secretary  
Home Department,  
Secretariat, Porvorim-Goa
- .....Contesting Respondents

**A WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA SEEKING  
RENAMING OF HIGH COURT OF BOMBAY TO**

**HIGH COURT OF MAHARASHTRA AND  
SEEKING ENFORCEMENT OF THE  
PETITIONERS' RIGHTS GUARANTEED UNDER  
ARTICLES 14, 19, 21 AND 29 OF THE  
CONSTITUTION OF INDIA**

To

The Hon'ble Chief Justice of India and His Companion Justices  
of the Hon'ble Supreme Court of India.

The humble Petition of the  
Petitioners above named.

**MOST RESPECTFULLY SHEWETH:**

1. The present Petition has been preferred by the Petitioner herein in Public Interest on behalf of a large number of people living and belonging to the State of Maharashtra who take immense pride in their Marathi culture and heritage and are seeking renaming of "High Court of Bombay" to "High Court of Maharashtra" are seeking enforcement of their fundamental rights guaranteed under the Constitution of India, inter alia including the rights contained in Articles 14,19, 21, 29 of the Constitution of India. The sentiments/ grievances of vast number of Maharashtrians, who could not approached or do not have means to approach this Hon'ble Court are being represented through this petition.

1A. That the petitioner is Indian National in support of which he is filing the copy of PAN Card No.ADLPP1264B issued by the Income Tax Department as well as he is filing Aadhar ID Card No.240642470572 issued by the Government of India. The petitioner is not having any private/personal or oblique motive behind filing the present writ petition. The email: [veepeepatil@gmail.com](mailto:veepeepatil@gmail.com) Mobile No.09819423900. All the documents mentioned in this para are attached with the Vakalatnama.

2. The Petitioner is a bonafide citizen of India and has served as a Principal Judge, Labour Court Mumbai from where the Applicant had taken voluntary retirement in the year 2000. That the Applicant

had joined State Judiciary (Maharashtra) on 9.9.1974 and served as a Judge in for about 26 years.

3. The Petitioner has proactively pursued several causes like equal pay for equal work for Judges working in different cities in Maharashtra. That the Petitioner was made General Secretary of All India Judges Association and the petitioner pursuance has led to uniformity in pay scale of judges.
4. The Petitioner does not have any personal interest or any personal gain or private motive or any other oblique reason in filing this Writ Petition in Public Interest. The Petitioner has not been involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition. The present petition is not guided for the gain
5. Respondent No. 1 is the Union of India, through the Ministry of Home Affairs and Respondent No. 2 is Ministry of Law and Justice of the Union of India. Respondent No.3 is State of Maharashtra through the Chief Secretary General Administration Department, Mantralaya Mumbai 400 032. The Respondent No. 4 is the High Court of Bombay through Registrar General of High Court of Bombay. All the Respondents are proper and necessary parties to the present Petition and are likely to be affected by the orders sought in the present Petition, by change of name High Court of Bombay which was name of state before 1960.
6. The Petitioner, through the present writ petition, are invoking the civil original writ jurisdiction of this Hon'ble Court to seek issuance of a Writ, Order or Direction of like nature against the Respondents herein inter alia to seek renaming of High Court

of Bombay to High Court of Maharashtra and in pursuance of several provisions of the Constitution of India.

1. The Petitioner has no other equally efficacious remedy except to approach this Hon'ble Court by way of present Writ Petition. All annexures annexed to the Writ Petition are true copies of their respective originals. That the Petitioners herein have never approached this Hon'ble Court or any other Court seeking a relief similar to the relief sought for in the present writ petition.

2. **BRIEF FACTS OF THE CASE**

- 8.1 The Indian High Court Act was passed by the British Parliament for establishing High Courts in pre-independence India. The High Courts of Bombay, Calcutta and Madras were established in pursuance of Letters Patent issued by the Queen in terms of the Indian High Courts Act, 1861 passed by the British Parliament.
- 8.2 That on 26.06.1862, The High Court of Judicature at Madras was established by Letters Patent on 26th June, 1862.
- 8.3 That on 28.12.1865, The High Court of Judicature at Calcutta and High Court of Judicature at Bombay were established by Letters Patent on 28th December, 1865. These courts were named after the States of Calcutta, Madras and Bombay respectively.
- 8.4 That on 15.8.1947 India gained independence from the British Rule.
- 8.5 That on 26.1.1950 the constitution of India came into force. After the Constitution of India came into force, the aforesaid

High Courts have continued to exist and exercise their jurisdiction in terms of Article 225 of the Constitution.

- 8.6 That in 1956 Indian Parliament passed State Reorganization Act, and in 1960, the Bombay Reorganization Act was passed. That the High Court of Karnataka and High Court of Gujarat were in Bombay state before 1956 and 1960 respectively.
- 8.7 That in 1960 the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 was passed. A true and correct copy of relevant extract of the of the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 is annexed hereto and marked as **Annexure P-1** (pg..... to.....)
- 8.8 That in the year 1995 the City of Bombay was renamed as "Mumbai" by the then ruling Government on popular demand and in consonance withy the cultural heritage of the city.
- 8.9 That on 19.7.2016 The High Court (Alternation of Names) Bill, 2016 was introduced in the Parliament of India changing of the names of 'High Court of Judicature at Bombay as "High Court of Judicature at Mumbai' and 'High Court of Judicature at Mumbai" as "High Court of Judicature at Chennai' respectively. A true and correct copy of the extract of the High Court (Alternation of Names) Bill, 2016 is annexed hereto and marked as **Annexure P-2** (pg..... to.....)
- 8.10 That the aforesaid Bill of 2016 lapsed in the Parliament due to lack of consensus between the States.

- 8.11 That in the year 2018 fresh demands were made to the Central Government to take steps to reintroduce the bill for renaming the High Courts. However, no positive step has taken place.
- 8.12 Therefore, in light of the abovementioned facts, the Petitioner herein is constrained to file the present Writ Petition seeking the aforementioned relief and enforcement of fundamental rights under Article 14, 19, 21 and 29 of the Constitution of India on the following amongst other grounds, which are being taken without prejudice to each other and the Petitioners seek liberty to urge further grounds at the time of hearing, if so advised.

**GROUND**

- (A) Because this Hon'ble Court protects constitutional guarantees under Article 32 of the Constitution of India and provides to any person right to invoke jurisdiction under Article 32 of the Constitution of India without any condition or rider except as provided within the Article itself.
- (B) Because merely rights can be enforced under Article 226 of the Constitution of India, the same does not bar the right to invoke the jurisdiction as guaranteed under article 32 of the Constitution of India.
- (C) Because the issue of renaming the High Court shall effect several High Courts in different parts of the Country and thus for the purpose of maintaining uniformity in the law laid down

on the issue, the present petition under Article 32 is maintainable.

- (D) *Because this Hon'ble Court in Romesh Thappar v. The State of Madras AIR 1950 SC 124 held as follows:*

*"under the Constitution this Court is constituted the protector and guarantor of fundamental rights and it cannot, consistently with the responsibility so laid upon refuse to entertain applications seeking the protection of this Court against infringement of such rights, although such applications are made to this Court in the first instance without resort to a High Court having concurrent jurisdiction in the matter. The mere existence of an adequate alternative legal remedy cannot per se be a good and sufficient ground for throwing out a petition under Art.32, if the existence of a fundamental right and a breach, actual or threatened, of such right is alleged and is prima facie established on the petition."*

- (E) Because this Hon'ble Court ought to appreciate that the prayers sought is pertaining to the name of the High Court, which is also a party in the present petition, it is humbly submitted that this Hon'ble Court may indulge in considering the issue as the Hon'ble High Court of Bombay may not adjudicate the same as per the legal maxim "no one can judge their own case".
- (F) Because this Hon'ble Court ought to consider that expression of regional and geographical identity forms part of freedom of speech and expression as guaranteed under Article 19 of

the Constitution of India and thus expression of the word Maharashtra while referring to the High Court pertaining to the State amounts to fundamental right of the Petitioner.

- (G) *Because this Hon'ble Court ought to appreciate that the word "Expression" used under Article 19 of the Constitution of India includes within its ambit expression of "Identity" as well. That the protection thus is guaranteed also to cultural, social and political identity. That this Hon'ble Court in National Legal Service Authority vs Union Of India & Ors (2014) 5 SCC 438. has held that:*

*" Everyone has the right to freedom of opinion and expression, regardless of sexual orientation or gender identity. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means, as well as the freedom to seek, receive and impart information and ideas of all kinds, including with regard to human rights, sexual orientation and gender identity, through any medium and regardless of frontiers."*

- (H) Because this Hon'ble Court ought to appreciate that under the aegis of Article 21 of the Constitution of India, right to life includes right to live with dignity and to enjoy life with the identity one associates oneself with. It is humbly submitted



that the assertion of a Maharashtra/Maratha is taking pride and associating dignity to the concept of Maratha/Maharashtra and thus usage of the word "Maharashtra" while referring to the Hon'ble High Court is yet another means to fructify the dignity of a Maharashtraian.

- (I) Because this Hon'ble Supreme Court on several occasion has reiterated that: " life means the right to live with human dignity and the same does not connote continued drudgery. It takes within its fold some of the fine grace of civilization which makes life worth living and that the expanded meaning of life would mean the tradition, culture and heritage of the person concerned." P. Rathinam v. Union of India 1994 3 SCC 394
- (J) Because this Hon'ble Court ought to appreciate that assertion of the word "Maharashtra" denotes special significance in the life of Maharashtraian and that its usage must also find expression in the name of the High Court as an expression of cultural and right to heritage as protected under Articles 19, 21, 29 of the Constitution of India.
- (K) Because this Hon'ble Court ought to appreciate that right to autonomy forms part of right to life as guaranteed under Article 21 of the Constitution of India. It is humbly submitted that nomenclature of a public institution is part of right to autonomy of a Maratha/Maharashtraian.

- (L) Because this Hon'ble Court ought to appreciate the rights guaranteed under Article 29 of the Constitution of India is not limited to minorities alone but rather is a guarantee given to any citizen/section of citizen.
- (M) Because this Hon'ble Court in case of Ramsaran v. Union of India 1989 Supp (1) SCC 251 has held that a life in its expanded horizons today includes all that give meaning to human life including its tradition, culture and heritage and protection of that heritage in its full measure would certainly come within the compass of an expanded concept of Article 21 constitution of India.
- (N) Because as per Article 214 of the Constitution of India, it is mandated that each State shall have a High Court of its own. It is humbly submitted that several States in the Country have High Courts named after the State and the State of Maharashtra is being denied the same.
- (O) Because this Hon'ble Court ought to appreciate that the Bombay Re-organization Act, 1960, under Section 88 empowers the appropriate Government to make such adaptations and modifications of the law, for facilitating the application of any law in relation to the State of Maharashtra. It is humbly submitted that pursuant to the aforesaid, the Government of Maharashtra issued Maharashtra Adaptation of Laws (State and Concurrent

Subjects) Order, 1960, which came into effect on the 1<sup>st</sup> day of May 1960 and remains unchanged/ unmodified till date. The Clause 4(1) of the said order substitutes the phrase "High Court of Bombay" to "High Court of Maharashtra".

- (P) Because this Hon'ble Court ought to appreciate that the name of the High Court ought to be that of the State in order to and in consonance with other Governmental Authorities. That the Hon'ble High Court of Bombay is a Governmental Authority and thus its nomenclature ought to reflect the same.
- (Q) Because same name of the High Court and the name of the State shall lessen the confusion that arises in multiplicity of names. It is humbly submitted that the same name of High Court and the State is in the interest of public.
- (R) Because this Hon'ble Court ought to have appreciate that the State Re-organization Act, 1960 amended the first schedule of the Constitution of India as regards State of Maharashtra and Gujarat and it is arbitrary on the part of Respondents to not to effectuate the change of nomenclature of the High Court as per the State.
- (S) Because this Hon'ble Court ought to appreciate that it has been a longstanding demand of the people of Maharashtra to alter the name of the Bombay High Court to High Court of Maharashtra. However, several attempts including the bill titled "The High Court (alteration of names) Bill, 2016" which

was introduced in a Parliament, mooted the name to be changed into "Mumbai" however lapsed. That it is humbly submitted that the change of name being a fundamental right of the Citizens of Maharashtra and in absence of legislative step, this Hon'ble Court may step in and fill the vacuum in law.

- (T) Because the cultural assertion of Maharashtra remains in jeopardy by not renaming a public institution like the Hon'ble High Court of Bombay, this Hon'ble Court may uplift the socio, political and cultural rights of Maharashtra as guaranteed by the Constitution of India.
- (U) Because this Hon'ble Court ought to have appreciate that it is the duty of Union of India to take all measures for protection of the rights of the people of the State of Maharashtra who wish to assert their identity in the name of the public institution of their State.
- (V) Because this Hon'ble Court ought to appreciate that there is no basis for the Respondents to not to effectuate the change of nomenclature of the Hon'ble High Court of Bombay despite Clause 4(1) of the Order of 1960 which has neither been modified nor repealed. That it is humbly submitted that unreasonable and inexplicable delay in not duly carrying out

the change of name is violative of Article 14 of the Constitution of India and is arbitrary and illegal.

9. That the Petitioner has no other efficacious remedy but to approach this Hon'ble Court by means of the present Writ Petition.
10. That the present Petition is filed bonafide and in the interest of justice.
11. That the Petitioners have not filed any other similar petition before this Hon'ble Court or any other court seeking similar reliefs.

**PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Issue a writ in the nature of mandamus and/ or any other writ/ order or direction seeking renaming of Hon'ble "High Court of Bombay" to "High Court of Maharashtra" towards enforcement of their fundamental rights guaranteed under Articles 14, 19, 21, 29 of the Constitution of India;
- b) Issue a writ in the nature of Mandamus or any other appropriate a writ/ order or direction to the Respondents to

take effective steps for change in nomenclature of the "High Court of Bombay" to "High Court of Maharashtra";

- c) Issue a writ in the nature of Mandamus or any other appropriate a writ/ order or direction to the Respondents to take effective steps for implementation of Clause 4(1) of the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 for conservation and preservation of the distinct culture, heritage and traditions of the people of the State of Maharashtra.
- d) Issue a writ in the nature of Mandamus or any other appropriate a writ/ order or direction to the Respondents to change the names of other High Courts in the Country as per the name of the States in which they are located.
- e) Issue Rule Nisi in terms of prayers (a), (b), (c)& (d) above;  
and/or
- f) Pass any other such further or other writ, order or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN ON:02 /2/2019

DRAWN AND FILED BY:

PLACE : NEW DELHI  
DATED 10/2/2020

**[SHIVAJI M. JADHAV]**  
Advocate for the Petitioner(s)