

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.156 OF 2015

IN

PUBLIC INTEREST LITIGATION NO.173 OF 2010

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri S.M. Gorwadkar, Senior Advocate i/b Shri Niranjan A. Mogre for the Applicant.
Shri A.B. Vagyani, Government Pleader along with V.B. Thadani, AGP for the
Respondent Nos.1-A to 1-D.

Dr. Sadhana Mahashabde for the Respondent No.1-E.

Shri D.A. Dube for the Respondent No.3.

Shri R.S. Apte, Senior Advocate i/b Shri N.R.Bubna for the Respondent No.2 and 16.

Shri Nitin Gangal for the Respondent No.5.

Shri A.Y. Sakhare, Senior Advocate along with Ms. Trupti Puranaik and Shri S.K.
Sonawane for the Respondent No.11.

Shri A.S. Rao for the Respondent No.13.

Shri Yogesh Sankpal i/b Shri Pramod G. Kathane for the Respondent Nos.9 and 17.

Shri Nikhil Chavan for the Respondent No.26.

Shri Abhijit M. Adgule for the Respondent No.14.

Shri Vaibhav R. Patankar for the Respondent No.19.

Shri R.M. Pethe for the Respondent No.22.

Shri G.H.Keluskar for the Respondent Nos.21 and 23.

Ms. Swati H. Sagvekar for the Respondent No.27.

Shri Shilpan Gaonkar i/b Kurdukar Associates for the Shree Mumbadevi Mandir
Charities.

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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 12TH OCTOBER 2015

P.C.:

. Learned senior counsel appearing for the Mumbai Municipal Corporation has placed on record a communication dated 9th October 2015 addressed by the Assistant Commissioner, "C" Division to the Trustee of Mumbadevi Mandir. It records that the permission granted to erect a pandal has been cancelled.

2. The learned counsel appearing for the fifth Respondent has tendered an affidavit of Shri Ashok Pandya on behalf of the fifth Respondent. He seeks permission to withdraw the affidavit. Accordingly, the affidavit is returned to him.

3. The learned counsel appearing for the fifth Respondent expressed an apprehension that as a result of withdrawal of the permission by the Municipal Corporation, the law and order situation is created.

4. In this PIL, the Court is concerned with the power of the Municipal Commissioner under Section

317 of the Mumbai Municipal Corporation Act, 1888. This Court has laid down in what manner the power should be exercised. This Petition has nothing to do with the power of the police to regulate the traffic, to put the traffic restrictions and to impose other restrictions in accordance with law for the purposes of safety and security. Therefore, the apprehension expressed by the learned counsel appearing for the fifth Respondent is uncalled for. In view of the communication dated 9th October 2015, the Civil Application does not survive and the same is disposed of.

(V.L. ACHLIYA, J)

(A.S.OKA, J)