

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

CHAMBER SUMMONS NO.123 OF 2014
 IN
 PUBLIC INTEREST LITIGATION NO. 74 OF 2013

...

Altamount Road Area Citizens

Committee and anr.

.. Applicants/Petitioners

Vs.

The State of Maharashtra and others

.. Respondents

...

Mr.P.N.Modi a/w Mr.I.J.Nankani a/w Mr.H.S.Khokhawala, for the
 Petitioners/Applicants.

Mr.H.Y.Shah, AGP for Respondent No.1-State.

Ms.T.S.Puranik, for BMC.

Mr.Prabhakar Jadhav i/b Mr.V. P. Sawant, for Respondents No. 13 & 14.

Mr.Aspi Chinoy, Sr.Advocate a/w Mr.D.D.Madon, Senior Counsel with
 Mr.S.V.Doijode and Mr.P.A.Kabadi i/b Doijode Associates for Respondent
 No.15.

Mr.Pravin K.Samdani, Senior Counsel with Mr.S.V.Doijode and
 Mr.P.A.Kabadi i/b Doijode Associates, for Respondent No.16.

...

CORAM : A.S.OKA &

A.A. SAYED, JJ.

DATED : 26 JULY 2016

P.C.:

Heard the learned Senior Counsel appearing for the Applicants and
 the learned Senior Counsel appearing for Respondent No.15. We have also
 heard the learned Counsel appearing for the Mumbai Municipal
 Corporation.

2. The present Chamber Summons is taken out for amendment of the Petition, which is based on what was revealed during the inspection of the original documents given to the Applicants/PIL Petitioners during the pendency of the PIL. By the proposed amendment, the Applicants desire to incorporate additional challenges in the PIL.

3. The opposition of the learned Senior Counsel appearing for Respondent No.15 is that by amendment, the nature of the original challenge will be completely altered. He submitted that when the Petition was filed, the construction of the building was already completed. He submitted that by the proposed amendment, virtually a new challenge is sought to be brought on record at a belated stage.

4. We have carefully considered the submissions. In paragraph (3) of the Affidavit-in-support filed by Captain Ashok Batra, Chairman of the society, it is stated that after affidavits dated 9 October 2013 and 17 January 2014 were filed in the PIL, inspection of the original documents was given by the concerned Respondents to the Applicants. It is further stated that the Chamber Summons is filed for brining on record the relevant facts and documents of which the Applicants became aware after perusing the documents.

5. The main PIL is at pre-admission stage. On 24 October 2013, this Court directed the Respondents to file -Reply.
6. Instead of driving the Applicants to file a fresh PIL, as the PIL is at the admission stage, the proposed amendments deserve to be allowed.
7. Accordingly, the Chamber Summons is made absolute in terms of prayer cause (a). Amendments shall be carried out within four weeks from today. Reply to the amended Petition shall be filed within eight weeks from today.
8. Place the PIL on 29 September 2016.

(A.A. SAYED, J.)

(A.S.OKA, J.)