

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****PUBLIC INTEREST LITIGATION NO.233 OF 2014****ALONG WITH****CIVIL APPLICATION NO.109 OF 2015**

Umesh Bajirao Khandekar & Anr.] ... Petitioners

Versus

State of Maharashtra & Ors.] ... Respondents

Mr. Dhairyasheel Sutar for Petitioners.

Mr. A. B. Vagyan, Government Pleader, for State.

Mr. P. K. Dhakephalkar, Senior Advocate i/b Mr. Tejpal Ingale for Respondent Nos.4 & 5.

**CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.**

DATE :- FEBRUARY 09, 2017

P. C. :-

1. Affidavit of Deputy Secretary, Urban Development Department, Mantralaya, is placed on record and we have gone through the same. The PIL was filed expressing the grievance that Municipal Council is not running the hospital with proper facilities. Since the Government is ready to take over and run the hospital in question, we direct the Government to give reasons why they are interested to take over additional financial burden. In pursuance of

this direction on 12 January 2017, the present affidavit is filed indicating the reasons why the Government is undertaking the obligation of running this hospital after taking over the same from the respondent - municipality. Para 8 of the said affidavit clearly indicate that from 2015, may be much prior, deliberations held whether to take over the management of the hospital in question by the respondent - State or not. Ultimately on 21/06/2016, a cabinet meeting was held wherein an approval was given for taking over the hospital in question. In para 8 of the affidavit, it is stated that substantial progress has been made with regard to handing over of the said hospital since the option of handing over was finalized.

2. By the end of February 2017, the State Government intends to make OPD functional and all formalities would be over, according to them, by the end of February 2017. Keeping the said undertaking made at para 8 on record, we dispose of the PIL by directing the State Government to make OPD functional positively by the end of February 2017.

3. In view of disposal of the PIL, Civil Application does not survive and the same is also disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)