

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBIC INTEREST LITIGATION NO. 155 OF 2011

M/s. Suswarajya Foundation, Satara & Anr.Petitioners
V/s.
The Collector, Satara and Anr.Respondents

**WITH
CIVIL APPLICATION (STAMP) NO. 13430 OF 2017**

The State of MaharashtraApplicant
In the matter between :-
M/s. Suswarajya Foundation, Satara & Anr.Petitioners
V/s.
The Collector, Satara & Anr.Respondents

**WITH
CIVIL APPLICATION (STAMP) NO. 826 OF 2018**

The State of MaharashtraApplicant
In the matter between :-
M/s. Suswarajya Foundation, Satara & Anr.Petitioners
V/s.
The Collector, Satara & Anr.Respondents

**IN
PUBLIC INTEREST LITIGATION NO. 155 OF 2011**

**WITH
WRIT PETITION NO. 2628 OF 2016**

Solutions Advertising Through Proprietor
Mr. Pravin SolankiPetitioner
V/s.
Thane Muncipal Corporation & Ors.Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 25 OF 2013**

Mayur Mahesh Pathak	Petitioner
V/s	
Maharashtra State Environment Authority & Ors.	Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 45 OF 2009**

Milan Vasant Mhatre	Petitioner
V/s	
The State of Maharashtra & Ors.	Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 77 OF 2014**

Ratan Soli Luth	Petitioner
V/s	
The State of Maharashtra & Ors.	Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 78 OF 2008**

Janhit Manch & Ors.	Petitioners
V/s	
The State of Maharashtra & Ors.	Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 136 OF 2009**

Prabhakar V. Chaudhary	Petitioner
V/s	
Thane Municipal Corporation	Respondent

**WITH
PUBLIC INTEREST LITIGATION NO. 249 OF 2014**

Qaneez-E-Fatemah Sukhrani & Anr.Petitioners
V/s.
The Commissioner, Pune Municipal
Corporation & Ors.Respondents

**WITH
CONTEMPT PETITION NO. 11 OF 2016**

High Court on its own Motion ...Petitioner
Versus
Mr. Ashish Shelar & Ors.Respondents

PUBLIC INTEREST LITIGATION NO.155 OF 2011
A/W CAIST/826/2018 AND CAST/13430/2017

Mr. Uday P. Warunjikar for the petitioners.
Mr. Manish Pabale,AGP for the Respondent No.1 and
for applicant in CAIST/826/2018 and CAST/13430/2017.
Mr. Aniruddha A.Garge for the Respondent Nos.4 and 69.
Mr. Pradeep M. Patil for the Respondent No.5.BMC.
Mr. Pramod Gokul Kathane for the Respondent No.7.
Mr. N.R.Bubna for the Respondent No.9 and 17.
Mr. A.Y. Sakhare, Sr. Adv. a/w Ms. Vidhya Gharpure and
Mr. Vinod Mahadik for B.M.C.
Mr. Swapnil Mhatre i/by. Mr Shriram S. Kulkarni for the Respondent
No.10.
Mr. A.S. Rao for the Respondent No.11.
Mr Sameer Kumbhakoni for the Respondent No.13.
Mr G.H. Keluskar for the Respondent No.16.
Mr. Nishant Rana i/b. M/s. Vidhii Partners for the Respondent No.31.
Mr. Pradeep Rajgopal a/w Ms. Drishti Shah i/by Ms. Rekha Rajgopal
for Election Commission of India (CAIST/1094/2018)
Mr. Mayur Jadhav i/b. Mr. S.B. Shetye for Respondent No.6.
Mr. Ajit Hon I/by Mr. Ashwin V. Hon for Respondent No.21.
Mr. Anil D. Yadav for Respondent No.27.
Mr. Yuvraj P. Narvankar for Respondent No.25.

WITH WRIT PETITION NO.2628 OF 2016

None for the Petitioner.

Mr. Manish Pabale, AGP for the Respondent / State.

Mr. N.R. Bubna for the Respondent No.3.

WITH PUBLIC INTEREST LITIGATION NO. 25 OF 2013

None for the Petitioner.

Mr. Manish Pabale, AGP for the Respondent No.1.

WITH PUBLIC INTEREST LITIGATION No. 45 of 2009

None for the Petitioner.

Mr. Manish Pabale, AGP for the Respondent Nos.1, 3 and 4 / State.

Mr. N.R. Bubna for the Respondent No.2.

WITH PUBLIC INTEREST LITIGATION NO.77 OF 2014

None for the Petitioner.

Mr. Manish Pabale, AGP for the Respondent Nos.1, 5 and 7.

Mr. Mayur Jadhav i/b. Mr. S.B. Shetye for the Respondent No.6.

WITH PUBLIC INTEREST LITIGATION NO.78 OF 2008

None for the Petitioners.

Mr. Manish Pabale, AGP for the Respondent Nos.1, 2 and 9.

Mr. A.A. Garge for the Respondent No.6.

WITH PUBLIC INTEREST LITIGATION No.136 OF 2009

None for the Petitioner.

Mr. N.R. Bubna for the Respondent No.1.

Mr. Manish Pabale, AGP for the Respondent State.

WITH PUBLIC INTEREST LITIGATION NO.249 OF 2014

Mr. Ravindra S. Pachundkar for the Petitioner.

Mr. Manish Pabale, AGP for the Respondent / State.

WITH CONTEMPT PETITION NO.11 OF 2016

Mr. Ashish Raghuwanshi i/b. Mr. Ranjeet M. Pawar for R.No.5.

***CORAM : A.S. OKA &
A.A. SAYED, JJ.***

DATE : 12TH JANUARY, 2018

P.C. :

1. Perused the order dated 08th December, 2017. Notwithstanding this order, unfortunately compliance affidavits have been filed only by three Municipal Corporations i.e. Mumbai, Amravati and Nashik. None of the other Municipal Corporations have filed compliance affidavits. The State has come out with Civil Application bearing (St.) No.826 of 2018 seeking extension of time. However, the Civil Application does not set out the steps taken so far to implement the judgment to show the bonafides of the State. It appears to us that except the setting up of a Committee under the Government Resolution dated 14th March, 2017, nothing further has been done by the State Government. Minutes of the meeting held by the Committee have not been placed on record. The State Government has not apprised the Court about the role played by the Committee.

2. The grievance made by the learned counsel appearing for the petitioner is that most of the directions issued by this Court have not been implemented at all. After going through the averments made in

the Civil Application (St.) No.826 of 2018 filed by the State Government, we must make it clear that we are not satisfied that the State Government has made any genuine effort to comply with the directions issued by this Court. Unless we are satisfied that all possible steps have been taken by the State Government, the prayer made for extension of time cannot be considered.

3. The learned counsel appearing for the petitioner submits that as far as affidavits filed by Nashik and Amravati Municipal Corporations are concerned, there are no material details showing compliance of the final directions.

4. The Election Commission of India has filed an application for extension of time bearing Civil Application (St.) No.1094 of 2018.

5. By way of last chance, we grant time to all the respondents before the Court including the State Government to file compliance affidavits till 23rd February, 2018. Apart from the compliance affidavit, the State Government is free to file additional affidavit in support of the application for extension of time. We direct the State Government to communicate this order to all the Municipal Corporations / Local Authorities which are parties to the petition. The State Government will communicate this order as well as order dated 08th December, 2017 to all such local authorities. We make it clear that if after perusing the compliance affidavits, we find that there is a non-compliance of the directions issued by this Court, action would be

initiated against all concerned authorities under Contempt of Court Act, 1971. We also make it clear that no further extension of time shall be granted to file compliance affidavits.

6. In the first week of March, 2018, the Registrar (Judicial-I) will ensure that appropriate Section Officer prepares a separate file of compliance affidavits after re-paginating the same. Index of the said file be prepared and the copies of which shall be supplied to the advocates representing the parties.

7. Civil Application (St.) No.826 of 2018 as well as Civil Application (St.) No.1094 of 2018 filed by the State Election Commission shall also be placed on the next date. If any further steps are taken by the Election Commission of India in pursuance of the directions issued by this Court, the Election Commission is free to file additional affidavit. Place the petition alongwith Civil Applications at 03:00 p.m. on 09th March, 2018 in Court for considering the compliance affidavits and for monitoring the directions issued under the final judgment and order.

(A.A. SAYED, J.)

(A.S. OKA, J.)