

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12536 OF 2016

Nerul Roj Bazaar Vyapari Seva Sanstha. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr.Bhushan Walimbe i/b. Mr.Shashank P. Borade for the petitioner.
Ms.R.A.Salunkhe, AGP for respondent No.1.
Mr.Sandeep V. Marne for respondent Nos.2 and 3.

CORAM : A.S.OKA AND P.N.DESHMUKH, JJ.

DATE : 9th January 2018

PC.:

The learned counsel appearing for the Navi Mumbai Municipal Corporation has placed on record a letter dated 8th January 2018 addressed to the Junior Law Officer by the Deputy Commissioner (Licence) of the said Municipal Corporation. It is taken on record and marked "X-1" for identification. The letter records that in terms of directions issued by the Division Bench of this Court in the judgment and order dated 1st November 2017 in Writ Petition No.652/2017 and other connected matters, from 20th November 2017 the Municipal Corporation conducted GIS based digital biometric survey of street vendors. The letter also records that the survey of street vendors on the plot subject matter of this petition has already been made. It further records that

survey of certain vendors could not be made as their cell phones were not linked with the Adhar Card. It is further stated that in the said phase, survey of such street vendors shall also be made and, thereafter the eligibility of the street vendors will be decided. We accept the said statement made in the letter dated 8th January 2018. The eligibility of the members of the petitioner will have to be decided only after the survey is conducted in terms of the directions issued by the Division Bench in Writ Petition No.652/2017. Thus, it follows that in case of members of the petitioner, the issue of eligibility will have to be decided irrespective of orders/ communications at Exh.H (collectively) to the petition. Thus, the Municipal Corporation will decide eligibility of the members of the petitioner on its own merits without being influenced by what is stated in the orders annexed at Exh.H to the petition. Hence, the issue regarding eligibility of the concerned members of the petitioner remains open.

2. In view of what is stated above, the petition need not be kept pending. Therefore, the petition is disposed of subject to the above directions.

(PN.DESHMUKH, J.)

(A.S.OKA, J.)