

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2535 OF 2008**

Hiraman Sitaram Deorukhkar and others ..Petitioners.

v.

The State of Maharashtra and others ..Respondents.

ALONGWITH

WRIT PETITION NO.2093 OF 2015

Satish Prakash Rohra ..Petitioner.

v.

Mumbai Municipal Corporation and others ..Respondents.

ALONGWITH

WRIT PETITION NO.2169 OF 2015

Satish Prakash Rohra ..Petitioner.

v.

Mumbai Municipal Corporation and others ..Respondents.

Ms. Chaitrali Deshmukh, for the petitioner in WP No.2535 of 2008.

Mr. Amit Pradhan i/by Mr. Subhash Pradhan & Company for the petitioner in WP No. 2093 of 2015 and 2169 of 2015.

Mr. A.Y. Sakhare, Sr. Counsel alongwith Mrs. K.H. Mastakar for the MMC.

Mr. U.S. Upadhyay, AGP for the State.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 12th MARCH, 2018

P.C.

1 Writ petition No.2535 of 2008 was allowed by this Court by judgment and order dated 17th June 2013. Writ petition No.2093 of 2015 was allowed by this Court by judgment and order dated 2nd March 2016 and writ petition No.2169 of 2015 was allowed by this Court by judgment and order dated 1st March 2016.

2 Against the judgment and order in Writ Petition No.2535 of 2008, Civil Appeal No.11258 of 2017 (SLP (Civil) No.30524 of 2014) was preferred by the Mumbai Municipal Corporation. Against the judgment and order in Writ Petition No.2093 of 2015, Civil Appeal No.11346 of 2017 (SLP (Civil) No.23966 of 2017) was preferred by the said Corporation. Against the judgment and order in Writ Petition No.2169 of 2015, Civil Appeal No.11347 of 2017 (SLP (Civil) No.23965 of 2017) was preferred by the the said Corporation. Copies of three orders passed by the Apex Court have been placed on record by the Registry.

3 The first order is dated 24th August 2017. The first page of the said judgment and order shows that the said order is passed in the aforesaid three Civil Appeals on the same day. There is another order passed by the Apex Court in Civil Appeal No.11346 of 2017 and Civil Appeal No.11347 of 2017. The said order shows that the orders impugned in both the civil appeals were set aside on the ground that certain documents have been placed on record by the Municipal Corporation. It was observed that the High Court ought to have called for return from the Municipal Corporation. On that ground, the writ petitions have been remanded.

4 The order of the Apex Court dated 12th September 2017 shows that a clarification was issued that though the first order dated 24th August 2017 shows that it is passed in three civil appeals, was in fact passed only in Civil Appeal No.11258 of 2017.

5 On conjoint reading of the three orders, it is apparent that Civil Appeal No. 11258 of 2017 arising out of the judgment and order dated 17th June 2013 in Writ Petition No.2535 of 2008 has been disposed of by the Apex Court by the first order dated 24th August 2017. By the second order of the same date, Civil Appeal Nos.11346 of 2017 and 11347 of 2017 arising out of Writ Petition Nos.2093 of 2015 and 2169 of 2015 have been disposed of and the said writ petitions have been remanded to this Court.

6 We, therefore, direct the Municipal Corporation to file Affidavits in reply to Writ Petition Nos.2093 of 2015 and 2169 of 2015. The documents which were produced by the said Corporation before the Apex Court shall also be annexed to the reply. Considering the directions of the Apex Court to dispose of the matters expeditiously, we direct that such reply shall be filed on or before 28th March 2018. Place these two petitions first on final hearing board in the week commencing from 2nd April 2018.

(RIYAZ .I.CHAGLA, J)

(A.S. OKA, J)