

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

WRIT PETITION NO. 994 OF 2018

Anjani Mehta

.. Petitioner

v/s.

State of Maharashtra & Anr.

.. Respondents

Mr. Yogendra Sharma a/w Ms. Pranali Mehra for the petitioner
Ms. P.H. Kantharia, GP a/w Ms. Deepali Patankar, AGP for the
respondent no.1 – State

**CORAM : A.S. OKA &
M.S. SANKLECHA, J.J.**

DATED : 2nd APRIL, 2019

P.C.

1. Perused the affidavit of Shri. Samadhan W. Ingle, Assistant Commissioner, Social Welfare Department, Mumbai City and Mumbai Suburban District. The affidavit notes that two Local Level Committees are functioning in Mumbai. One Committee is for Mumbai District and the other Committee is for Mumbai Suburban District. Both the Local Level Committees have been constituted in accordance with the provisions of Section 13 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. It is revealed from the affidavit that from 2002 till March, 2017, the Local Level Committee for Mumbai District

disposed off 787 applications for guardianship and the Local Level Committee for the Mumbai Suburban disposed of 745 applications for guardianship. The affidavit discloses that the applications made by the petitioner and the second respondent for guardianship are being considered by the Committee for Mumbai District. There is a statement made that three months' time will be required by the Local Level Committee to decide the applications from the date of submission of the documents online by the petitioner and the second respondent. The learned Government Pleader states that both the petitioner and the second respondent have already filed online applications as per the procedure.

2. The learned Government Pleader on instructions states that the applications made by the petitioner and the second respondent will be heard together.

3. Considering the above discussion, we pass the following order:-

ORDER

(a) As both the petitioner and the second respondent have filed online applications for guardianship, in view of the statements made in the affidavit, we direct the Local Level Committee of

Mumbai District to hear both the applications together and dispose of the same as expeditiously as possible and preferably within a period of three months from today;

(b) The petitioner and the second respondent shall co-operate with the Local Level Committee for early disposal of the applications.

(c) The Petition is disposed of with the above directions.

(d) For reporting compliance, the petition shall be listed under the caption of “directions” on 5th July, 2019.

(e) We make it clear that we have made no adjudication on merits of the applications made by the petitioner and the second respondent and all issues are kept open to be decided by the said committee.

(f) The affidavit filed today be returned to the learned Government Pleader for correcting inadvertent errors. The learned Government Pleader to resubmit the affidavit during the course of the day after correcting the errors.

(M.S. SANKLECHA, J.)

(A. S. OKA, J.)