

JPP

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

***NOTICE OF MOTION NO. 181 OF 2019
in
PUBLIC INTEREST LITIGATION NO. 46 OF 2015***

Tree Authority,
Municipal Corporation of Greater Mumbai ... Applicant

In the matter between

Zoru Darayus Bhathena ... Petitioner
V/s.
Tree Authority, MCGM and Ors. ... Respondents.

Ms. Sonal a/w. Mr. Manoj Shirsat and Ms. Kainaz Irani I/b. Pushpa
for the Petitioner.

Mr. Ashutosh Kumbhakoni, Advocate General I/b. Akshay P. Shinde
for the Applicant in NMWL 63/19.

Mr. A.Y. Sakhare, Senior Advocate a/w. Mr. Rajesh Patil and Mr.
H.C. Pimple and Ms. K.H. Mastakar for MCGM and for the
Applicant in NMW 181/19.

Ms. Sharmila Deshmukh a/w. Jaya J. Bagwe for Respondent No.4.

Mr. G.W. Mattos for Respondent No.7.

Ms. Shailaja Nair I/b. T.J. Pandian for Respondent No.11.

Mr. Anit Shastri, AGP for the State – Respondents 3 & 6 in NMWL
63/19.

Mr. Kunal Birwadkar, Respondent No.14 present in-person.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 18 JUNE 2019.

P.C. :-

Issue arises whether observations with directions in various judicial orders passed by the Division Bench of this Court lay down the law or are the expression of an opinion by the learned Judges. The matter concerns constitution of the Tree Authority and in particular whether the number of nominated members must be equal to the member of Corporators constituting the Tree Authority.

2. It would be advisable that the issue is decided on proper pleadings before the Court and not by way of interim applications or Notice of Motion.

3. We dispose of the Notice of Motion directing that the Tree Authority constituted in Mumbai Municipal area would not take any decisions for a period of 10 days and within said period the Petitioner would be permitted to file a substantive Writ Petition.

N.M. JAMDAR, J.

CHIEF JUSTICE