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

PUBLIC INTEREST LITIGATION (Lodg.)NO. 81 OF 2017

Jan Mukti Morcha

... Petitioner.

V/s.

The State of Maharashtra & Ors.

... Respondents.

With

PUBLIC INTEREST LITIGATION (Lodg.)NO. 51 OF 2017

Bhagvanji Rayani

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents.

With

CHAMBER SUMMONS NO. 283 OF 2017

in

PUBLIC INTEREST LITIGATION (Lodg.)NO. 81 OF 2017

Jan Mukti Morcha

... Applicant

IN THE MATTER BETWEEN

Jan Mukti Morcha

... Petitioner.

V/s.

The State of Maharashtra & Ors.

... Respondents.

Mr. Uday P. Warunjikar for the Applicant/Petitioner in CHS 283/17 and PIL (L) 81/17.

Mr. Pradeep Havnur for the Petitioner in PIL(L) 51/2017

Mr. A.Y. Sakhare a/w. Mr. H.C. Pimple for the MCGM in both Petitions.

Mr. Milind Sathe, Special Counsel a/w. Ms. Geeta Shastri, Addl. G.P. for the State in both matters.

***CORAM : NARESH H. PATIL, C.J. &
N.M. JAMDAR, J.***

DATE : 24 JANUARY, 2019.

P.C. :-

Heard the learned Counsel for the Parties.

2. Chamber Summons No. 283 of 2017 in Public Interest Litigation (Lodg.) No. 81 of 2017 is allowed in terms of prayer clause (a). Both the Petitioners are granted leave to amend the Petitions to incorporate subsequent events and the challenges. Amendment to be carried out within two weeks and copies be served on the other side.

3. Issue notice to the Respondent – Trust in both the Petitions. The Respondent – Trust be served with the notice of this Petition intimating the next date of hearing through the State agency.

4. The learned Counsel for the Petitioners submitted that the Respondent – Trust cannot be termed as a Government Trust nor a public trust. It is submitted that the amendment bring in Section 92(dd-1) in the Mumbai Municipal Corporation Act is contrary to law and therefore be declared as invalid. The learned Counsel raised objections to the decision of the State Government to grant contribution of Rupees One Hundred Crores to Balasaheb Thackeray Memorial Trust. It was submitted that the Corporation does not have any authority to hand over public property that occupied by the Mayor of the City to the Memorial.

5. Mr. Milind Sathe, the learned Senior Advocate on behalf of the State Government submitted that the State will file reply to the amendment as and when they are carried out. He submitted that the State Government is empowered to allow a Memorial to be established by a public trust and the Respondent – Trust is a Government Trust in its letter and spirit and there is no illegality in the State Government accepting the proposal of the High Power Committee in this behalf.

6. The learned Senior Advocate Mr. Sakhare appearing for the Corporation makes a similar request for filing reply to the amended portion.

7. The Petitions be taken up after the necessary amendments are carried out.

8. Stand over to 12 February 2019 at 3.00 p.m.

N.M. JAMDAR, J.

CHIEF JUSTICE