

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

INTERIM APPLICATION NO.1 OF 2020
IN
WRIT PETITION NO. 2465 OF 2018
WITH
WRIT PETITION NO. 2465 OF 2018

Kalaghoda Association
having its office at C/o A.T.E.
Enterprises Pvt. Ltd.

..Applicant.

In the matter between :-

Organisation for Verdant Ambience and Land (Oval) & Anr..Petitioners.

Vs.

State of Maharashtra & Ors

..Respondents.

Ms. Shreya Parekh a/with Vishesh Kalra, Mr. Subit Chakrabarti i/by Vidhi
Partners for the Petitioners.

Mr. A.L. Patki, AGP for Respondent Nos. 1 and 2 State.

Mr. A.Y. Sakhare, Senior Counsel a/with Vandana Mahadik for Respondent-
MCGM.

Dr. Birendra Saraf a/with Devanshi Sethi i/by Parinam Law Associates for the
applicant in IA/1/2020.

CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATED :- 20th JANUARY, 2020.

P.C. :-

1. The learned Counsel for the applicant seeks to carry out certain amendments to the Interim Application. Applicant is allowed to carry out amendments forthwith. Re-verification is dispensed with.
2. By this Interim Application the applicant has approached this Court to allow the Applicant to intervene in the above Writ Petition and to grant permission to the Applicant to hold the visual arts events and performances at the Cross Maidan between 1st February, 2020 to 9th February, 2020.
3. We have perused the earlier orders passed by this Court granting permission for the said event on the terms and conditions stipulated therein. Our attention is also drawn to the No Objection dated 13th January, 2020, issued by the Collector, Mumbai.
4. Without prejudice to the rights and contentions of the parties, we pass the following order:-

- (i) The applicant in Interim Application No.1 of 2020 shall give an unconditional undertaking to this Court to the effect that no food stall shall be set up on the Cross Maidan; and that no part of the Cross Maidan shall be used for any commercial activity or for earning any income and that musical events organised on Cross Maidan during the relevant period shall be

open to the members of the public without any entry fee levied by the applicant.

(ii) Written undertaking to the above effect shall be filed by the Applicant on or before 22nd February, 2020. In addition to the above, the Applicant shall comply with the conditions imposed by the Collector in his permission/No objection dated 13th January, 2020.

(iii) The permission granted herein will be treated as a one time arrangement and shall not be used as a precedent to obtain such permission/s in future.

(iv) The Applicant is not allowed to be joined as Party Respondent to the above Writ Petition. However, the applicant shall be given a hearing at the time of admission/final hearing of the above Writ Petition.

4. Place the above Writ Petition for final hearing on 11th February, 2020 at 3:00 p.m. The respondents are directed to file their Affidavits-in-Reply within a period of two weeks from today.

5. Interim Application No.1 of 2020 is accordingly disposed of.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)