

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 448 OF 2021

Vikrant Bhimsen Chavan

... **Petitioner**

vs.

The State of Maharashtra & Ors.

... **Respondents**

WITH

WRIT PETITION NO. 615 OF 2021

Ashraf U. Shanu Pathan

... **Petitioner**

vs.

The State of Maharashtra & Ors.

... **Respondents**

None for the petitioner in WP/448/2021.

Mr. Sagar A. Joshi for the petitioner in WP/615/2021.

Mr. Mandar Limaye for respondent nos. 2 and 4 in both the petitions

Mr. P.P. Kakade, GP, Smt. R.A. Salunke, AGP and Smt. G.P. Sonawane, AAGP
for the State.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- MARCH 16, 2021

PC :

1. In compliance with the order dated February 15, 2021, the Government of Maharashtra in the Urban Development Department has taken a decision not to hold General Body meetings of the Municipal Corporations and the Councils physically but to continue meetings through the virtual medium in view of the upward swing in COVID 19 cases all over the State as well as increase in more and more containment zones. It is

observed from the communication dated March 1, 2021 addressed by the Under Secretary, Urban Development Department to the Assistant Government Pleader that a second wave of COVID 19 pandemic is predicted by the experts and, therefore, the situation calls for strict adherence to COVID 19 related health protocol and norms. We also find from such communication that the Government proposes to revisit such decision after a month based on the ground realities of COVID 19 cases in the State.

2. That there has been a surge in COVID 19 positive cases, is not in dispute. Since the Government has proposed to revisit the present decision after one month upon considering the ground realities, we are not inclined to interfere with such decision. In matters of protocol relating to health and medical care, the Court ought to be slow to interfere with the executive policy decision.

3. In such view of the matter, we dispose of the writ petitions expressing hope and trust that as and when the situation improves and holding of general meetings of the Municipal Corporations and the Councils with physical presence of the corporators/councillors is possible, the relevant department shall not waste any further time to revisit its decision and take an appropriate decision as the facts and circumstances would warrant. There shall be no order as to costs.

4. The communication dated March 1, 2021 shall be retained with the record.

(G S. KULKARNI, J.)

(CHIEF JUSTICE)