

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SUO MOTU PUBLIC INTEREST LITIGATION NO. 1 OF 2021**

High Court on its own motion

**WITH
INTERIM APPLICATION NO. 1550 OF 2021
IN
SUO MOTU PUBLIC INTEREST LITIGATION NO. 1 OF 2020**

**Maharashtra Metro Rail Corporation
Ltd.**

..Applicant

In the matter between:

High Court on its Own Motion

.. Petitioner

Vs.

**Bhiwandi Nizampur Municipal
Corporation & Ors.**

..Respondents

**Mr. A. A. Kumbhakoni, Advocate General i/by Mr. Akshay P.
Shinde for applicant in IA/1550/2021.**

**Mr. P. P. Kakade, Govt. Pleader a/w Mr. M. M. Pable, AGP for
State.**

**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A. A. SAYED
HON'BLE MR. JUSTICE S. S. SHINDE
HON'BLE MR. JUSTICE PRASANNA B. VARALE**

Court On its Own Motion

Re: Matters wherein interim orders have been passed by the High Court of Bombay at its Principal Seat, and the Benches at Nagpur and Aurangabad, the High Court of Bombay at Goa, and the courts/tribunals subordinate to it including the courts/tribunals in the Union Territory of Dadra and Nagar Haveli, and Daman and Diu, during the second wave of the pandemic arising out of COVID-19 virus and for extending protection to those who are disabled to access justice because of the restricted functioning of courts/tribunals.

ORDER
(AUGUST 10, 2021)

1. Interim Application No. 1550 of 2021 in *Suo Motu* PIL No. 1 of 2020 has been filed by the Maharashtra Metro Rail Corporation Ltd. (hereinafter "MMRCL" for short) seeking, *inter alia*, the following relief:

- (a) To allow the present Civil Application entirely.
- (b) To allow the Applicants to follow due process of law and thereafter take immediate action of eviction and demolition of the hutments situate at Kamgar Putla Vasahat, Rajiv Gandhi Nagar and Juna Tofkhana, Shivajinagar, Pune for the purpose of carrying out the work of Pune Metro Line 1, 2 and 3.
- (c) To pass such other just, equitable and consequential orders in favour of the Applicants.

2. Mr. Kumbhakoni, learned Advocate General appears in support of the application. He has referred to the contents of the application to demonstrate how, as a consequence of the protective orders passed by this Bench on SMPIL No. 1 of 2021, further progress of construction of a metro station/viaduct at Pune has been affected. He, thus, prays that an order in terms of prayer (b) may be granted.

3. We have heard the learned Advocate General.

4. This Bench has assembled today to consider whether the interim protection granted by the last order dated July 5, 2021, operative till August 13, 2021, ought to be extended further or not. Such interim protection was granted since the crises created by the pandemic had impeded regular functioning of courts/tribunals and access to justice was not free and clear. Now that the crises arising out of the second wave of the pandemic is on the wane leading to easing of the lockdown restrictions as well as lifting of COVID appropriate behavior protocol, coupled with the fact that the courts/tribunals have resumed functioning as in the pre-pandemic days, we are of the clear opinion that the dreadful situation that impelled this Bench to interfere and pass the protective interim orders, may not be in existence any more warranting extension of the protective interim orders.

5. However, since the public at large have been under the belief that they are protected by the orders of this Bench, we wish to clarify that such protective interim orders shall continue for a further period till August 31, 2021 and not beyond, on the same terms as directed by the previous orders dated April 16, 2021, May 6, 2021, June 11, 2021 and July 5, 2021.

6. We are conscious that in certain districts of the State, roughly 11 (eleven), restricted functioning of courts is still continuing. If indeed the Administrative Committee of this Court decides in its next review meeting (to be held before the end of this month) to continue with the restricted functioning of courts/tribunals in such districts, considering that the situation has not improved for lifting of the restrictions and resumption of normal functioning of the courts/tribunals, SMPIL No. 1 of 2021 shall be listed once again on August 31, 2021 for "Directions".

7. We also clarify that after August 31, 2021, the applicant (MMRCL) would be at liberty to follow due process for the purpose of demolition of the hutments/structures which have been impeding the construction of the metro station/viaduct at Pune, being the subject matter under consideration in such application.

8. The applicant (MMRCL) is, however, directed to publish notices in two daily newspapers having circulation in the area, one Marathi and one Hindi, for the purpose of information of the slum dwellers that the interim protection granted by this Bench would come to an end by August 31, 2021 and that they may be evicted from such hutments/structures. Also, similar such notice shall be pasted at conspicuous places near such hutments/structures. Should any slum dweller feel aggrieved by the proposed action of demolition of their hutment/structure and/or eviction, he shall be at liberty to explore his legal remedy in accordance with law.

9. With these directions, the interim application stands disposed of; however, *Suo Motu* PIL No. 1 of 2021 is kept pending should there be any necessity to pass similar such interim protective orders in the near future, as observed above.

CHIEF JUSTICE

JUSTICE A. A. SAYED

JUSTICE S. S. SHINDE

JUSTICE PRASANNA B. VARALE