

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

**NOTICE OF MOTION NO.159 OF 2018
IN
WRIT PETITION NO.63 OF 2003**

JANHIT MANCH & Ors.

...Petitioners

versus

Shri Vilasrao Deshmukh & Ors.

...Respondents

.....

Mr.Bhagvanji Raiyani, petitioner in person.

Ms.K.H. Mastakar for MCGM.

Ms.Geeta Shastri, Addl. GP for State.

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

DATE :- JANUARY 05, 2021.

PC :

1. Seeking an order to expedite the hearing of Writ Petition No.63 of 2003, a notice of motion is taken out by the writ petitioners.

2. We find from an order dated October 14, 2009 of a co-ordinate bench of this Court that the Government was required to file an affidavit showing the present status of the property in dispute. Such affidavit is not traceable in the records. In all probability, no such affidavit seems to have been filed.

3. Ms.Shastri, learned Addl. GP representing the State, prays for a week's time to obtain necessary

instructions as well as to file an affidavit indicating therein the present status of the property in dispute.

4. Let the requisite affidavit be filed by 7 days with copy to the petitioners.

5. In view of the fact that the Mumbai Municipal Corporation had reserved the property in dispute for a playground, we consider the presence of the Corporation necessary for effective adjudication of the issue arising for decision in this writ petition. The petitioners shall implead the Corporation as an additional respondent in the writ petition by effecting necessary amendment. Copy of the amended writ petition shall be served on Ms.K.H. Mastakar, learned advocate for the Corporation who is present in Court. She shall also obtain appropriate instructions.

6. The Notice of Motion is disposed of.

7. Ms.Sharmila Deshmukh, learned advocate, is appointed as amicus curiae to assist the Court.

8. List the writ petition on **January 15, 2021**.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)