

Rameshwar Dilwale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 30103 OF 2022**  
**IN**  
**WRIT PETITION NO. 9353 OF 2022**

|                                     |                |
|-------------------------------------|----------------|
| Kishor Uttamrao Gajbhiye & Ors      | ...Applicants  |
| <i><b>In the matter between</b></i> |                |
| Kishor Uttamrao Gajbhiye & Ors      | ...Petitioners |
| <i><b>Versus</b></i>                |                |
| The State of Maharashtra & Anr      | ...Respondents |

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**Ms Pradnya Talekar, i/b Talekar & Associates, for the Petitioners.**  
**Dr Birendra Saraf, Advocate General, with PP Kakade, GP, Akshay Shinde, 'B' panel counsel & NC Walimbe, AGP for the Respondent-State in WP/9353/2022.**  
**Dr Birendra Saraf, Advocate General, with Abhay L Patki, Addl. GP, for the Respondent-State in WPL/14660/2022.**  
**Mr Tapan Thatle, i/b Amit Karva, for the Petitioners in WPL/14660/2022.**

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**CORAM    G.S. Patel &**  
**S.G. Dige, JJ.**  
**DATED:    3rd January 2023**

**PC:-**

1.     The Interim Application is by the petitioners for a substantial amendment to the petition. Grounds are sought to be added as also additional prayers. The Petition is not yet admitted. We permit the

amendment. It is to be carried out by 6th January 2023. Re-verification is dispensed with. A copy of amended Petition is to be served on the Advocates for the contesting parties.

2. Dr Saraf, Learned Advocate General, submits that the prayers in the unamended Petition are in the nature of reliefs in a Public Interest Litigation. The proposed amended prayers seek to canvas private reliefs specific to the Petitioners.

3. In itself, this is not a reason to disallow the amendment and that is not even Dr Saraf's submission. The only question will be of the appropriate roster assignment. For that purpose, once the Petition is amended, we request the Registry to urgently obtain directions on the administrative side as to whether the Petition should continue before this Court or should be properly assigned to the Bench hearing Public Interest Litigations.

4. A noting on the board shows that Original Side Writ Petition (L) No. 14660 of 2022 is to be tagged and listed along with the present Writ Petition. Similar directions will need to be obtained in that Writ Petition as well in view of the clubbing order.

5. In addition, we finally direct that the Original Side Writ Petition (L) No. 14660 of 2022 is to be finally numbered and all objections are to be removed by Friday, 6th February 2023.

6. Finally, Dr Saraf requests for some time to put in Affidavit in Reply to Writ Petition No. 9533 of 2022 as amended. An Affidavit in

Reply is permitted by 3rd February 2022. The matter will then be listed depending on the directions obtained by the Registry. If the matter is assigned to this Bench, liberty to the Petitioners to apply for a listing.

**(S.G. Dige, J)**

**(G. S. Patel, J)**