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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.211 OF 2023

Jewish Cemetary Trust ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondent

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WITH
INTERIM APPLICATION NO.12737 OF 2024
IN
PUBLIC INTEREST LITIGATION NO.211 OF 2023

Jewish Cemetary Trust ... Applicant

In the matter between

Jewish Cemetary Trust ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondent

WITH
INTERIM APPLICATION NO.15525 OF 2024
IN
PUBLIC INTEREST LITIGATION NO.211 OF 2023

Mohammed Hanif Abdul Qureshi
& Ors. ... Applicants

In the matter between

Jewish Cemetary Trust ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondent

Mr. A.S. Khandeparkar, Senior Advocate with Mr.
Rajas Parandikar, and Mr. Daniel David i/by
Raymond Gadkar for the petitioner.

Mr. Prashant Rathod for the applicant in
IA/15525/2024.

Mr. Amar Bodke k/by Mr. Rajesh Tekale for
respondent No.2.

Ms. Maria Shaikh i/by Mr. Umesh S. Iyer i/by Mr.
Jitendra Jagtap for respondent No.4.

Ms. Shital Honde for respondent No.5.

Mr. Raviraj S. Gamare for respondent Nos.6 & 7.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : JANUARY 3, 2025

P.C.:

1. This Court, as far back as on 18 September 2024, required respondent No.2 – Corporation to file affidavit-in-reply within two weeks, both to the PIL petition as also to the interim application. However, till date no affidavit-in-reply has been filed on behalf of the Corporation.

2. The concern raised in this PIL petition is to the alleged encroachment over a cemetery, and accordingly the stand of the Corporation is essential to be taken into consideration for appropriate adjudication of the issue and for issuing directions. However, the Corporation has not yet filed affidavit-in-reply.

3. Today, a request on behalf of the learned counsel representing the Corporation has been made to adjourn the matter; however, no explanation comes forth as to why affidavit-in-reply as directed by the Court on 18 September 2024 has not been filed.

4. On the prayer made on behalf of the learned counsel representing the Corporation, stand over to **16 January 2025**. To be placed **high on board**.

5. The Corporation shall, in the meantime, shall file affidavit-in-reply by 13 January 2025 after serving a copy thereof upon the learned counsel representing petitioner, to which rejoinder-affidavit, if any, may be filed by the petitioner before the next date of listing.

6. Learned counsel for respondent Nos.6 and 7 are permitted to file affidavit-in-reply within one week from today. Learned counsel for the petitioner is permitted to file rejoinder-affidavit to the affidavit-in-reply filed by respondent Nos.6 and 7 within one week from today.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)