

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4445 OF 2013
WITH
CIVIL APPLICATION NO.151 OF 2016
WITH
CIVIL APPLICATION NO. 1754 OF 2013

Shri. Vijaykumar Raghunath Joshi through POA
Holder Yeshwant Janardhan Bhagat ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Suresh Kamble for Petitioner.
Mr. M. P. Thakur, AGP for State.
Mr. Sarang Aradhye for Respondent No.5.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATE: 11 JULY 2025.

P.C.

1. By an order dated 04 June 2019, this writ petition was dismissed on the ground that the petitioner had an alternate remedy. The said order was assailed by the petitioner before the Supreme Court in the proceedings of Civil Appeal No. 3597 of 2025 wherein the Supreme Court by its judgment and order dated 05 March 2025 set aside the orders passed by this Court and restored the proceedings of this writ petition to the file of this Court for a fresh adjudication, more particularly in terms of what has been observed in paragraphs 7 and 8 of the said order. It is on such backdrop, the said proceedings are listed before us today.

2. At the outset, Mr. Kamble, learned counsel for the petitioner submits that respondent no.5 is the Chief Officer of the Panvel Municipal Council. He states that with effect from 01 October 2016 Panvel Municipal Council has been superseded by constitution of the Panvel Municipal Corporation under the provisions of the Maharashtra Municipal Corporation Act. His submission is that the powers which were exercised by the erstwhile Municipal Council are now being exercised by Panvel Municipal Corporation.

3. In this view of the matter, leave is sought to implead Panvel Municipal Corporation as a party respondent. We accept such prayer. Accordingly, leave to delete respondent no.5-The Chief Officer, Panvel Municipal Council and substitute the same by impleading Panvel Municipal Corporation as a party respondent. Amendment be carried out within one week.

4. Issue notice to the added respondent as also to the private respondents i.e. respondent nos.6 and 7, returnable on **01 August 2025**. Hamdast permitted. Let the Bailiff of the Local Court effect service of notice on respondent nos.6 and 7 and place the service report on the record of this Court on the adjourned date of hearing.

5. The Assistant Registrar of Writ Department shall ensure that the service report is received before the returnable date.

6. The respondents including respondent nos.6 and 7 are directed to file reply affidavits to the petition on or before the returnable date. Copy of the same be served on advocate for the petitioner.

7. Respondent nos.1 to 4 are represented by Ms. Thakur, learned AGP.
8. If any further affidavit is to be placed on record on behalf of the respondents, they are at liberty to do so.
9. In the event reply affidavit is not filed by any of the respondents, it would be required to be presumed that the respondents are not interested to file any further proceedings and considering the orders passed by the Supreme Court, the petition would be required to be taken up for adjudication. Parties are accordingly put up to such notice.
10. List the proceedings on **08 August 2025 (H.O.B.)**.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)