

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****SUO MOTU PETITION NO.1 OF 2023**

High Court on its Own Motion

... Petitioner.

V/s.

State of Maharashtra & Ors.

... Respondents.

**WITH
INTERIM APPLICATION (L) NO.1242 OF 2025
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION NO.782 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION (L) NO.7056 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION NO.666 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION NO.621 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION (L) NO.23233 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION (L) NO.22832 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH**

INTERIM APPLICATION (L) NO.22809 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION (L) NO.21142 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION (L) NO.1242 OF 2025
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION NO.666 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
WRIT PETITION NO.766 OF 2021
WITH
WRIT PETITION NO.654 OF 2023
WITH
INTERIM APPLICATION NO.621 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION NO.782 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION (L) NO.7056 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
CONTEMPT PETITION NO.2 OF 2024
IN
PUBLIC INTEREST LITIGATION NO.60 OF 2023
WITH
INTERIM APPLICATION (L) NO.21142 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION (L) NO.22809 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023

WITH
INTERIM APPLICATION (L) NO.22832 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
INTERIM APPLICATION (L) NO.23233 OF 2024
IN
SUO MOTU PETITION NO.1 OF 2023
WITH
WRIT PETITION 1262 OF 2023
WITH
WRIT PETITION NO.2750 OF 2019

Mr. Jamshed Mistry, Amicus curie, present.

Mr. Manoj Shirsat a/w Adv. Yogendra M. Koli and Adv. Mohammed Ashraf for the Petitioner in WP/766/2021 and WP/2750/2019

Mr. Mihir Desai, Senior Adv. a/w Ms. Pritha Paul for the Petitioner in WP/654/2023.

Mr. Sharan Jagtiani, Senior Advocate, Adv Namrata Vinod & Adv. Yash Kataria i/by S. Mahomedbhai & Co. for the Applicants in IA/621/2024.

Mr. S. M. Seegarla for the Petitioner in PIL/60/2023.

Ms. Meena Dhuri i/by Adv. Komal Punjabi for the Respondent-BMC in WP/766/2021

Mr. Anoop Patil with Adv. Meena Dhuri i/by Adv. Komal Punjabi for Respondent-BMC in WP/654/2023.

Mr. Anoop Patil a/w. Adv. Pushpa Yadav & Ms. Oorja Dhond i/b. Ms. Komal Punjabi for the Respondent No.2 to 4 in CP/2/2024

Mr. Kevik Setalvad, Senior Advocate a/w. Ms. Oorja Dhond i/b. Komal Punjabi for Respondent-BMC in SMP/01/2023.

Ms. Gayatri Singh, Senior Advocate a/w Adv. Kaustubh Gidh for the Applicant in IAL/22809/2024 and IAL/22832/2024.

Ms. Gayatri Singh, Senior Advocate a/w Adv. Kaustubh Gidh for Respondent Nos.5, 11 and 12 in PIL/1/2023.

Ms. Gayatri Singh, Senior Advocate a/w Adv. Sanjot Shirsath for Applicant in IAL/23233/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Mr. Abhay L. Patki, Addl.G.P, Ms. Rita Joshi, AGP for the Respondent-State in SMP/1/2023.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Mr. Suraj Gupte, AGP for the Respondent-State in IA/621/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Ms. Fatima Lakdawala, AGP for the Respondent-State in IA/782/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Ms. Anupamaa Pawar, AGP for the Respondent-State in IAL/7056/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Ms. Vrushali Kabre, AGP for the Respondent-State in IA/666/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Ms. Sheetal Malvankar, AGP for the Respondent-State in IAL/23233/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Ms. Madhura Deshmukh, AGP for the Respondent-State in IAL/22832/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Ms. Usha Rahi, AGP for the Respondent-State in IAL/22809/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Ms. Jyoti Chavan, Addl. G.P for the Respondent-State in IAL/21142/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Mr. Akshay G. Patkar, AGP for the Respondent-State in WP/766/2021.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Ms. Varsha Sawant, AGP for the Respondent-State in WP/654/2023.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Mr. Manish Upadhye, AGP for the Respondent-State in CONPW/2/2024 in PIL/60/2023.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Mr. Mohit P. Jadhav, Addl. G.P. for the Respondent-State in WPL/29339/2024.

Dr. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Mr. Abhay L. Patki, Addl. G.P. for the Respondent-State in WP/2750/2019.

Mr. Indrajeet Joshi for Petitioner in WP/1262/2023

Mr. Vishvanath Chavan, PSI, DCP Operation C.P. Office Mumbai.

Ms. Dhanshri Kekalekar, API MRA Marg Police Station present.

Mr. Avinash Shelke, API, Colaba Police Station present.

Mr. Surykant Doke, PSI, Borivali Police Station, Mumbai present.

Mr. Vijay Adsul, Dy .Supdt. , Licencse Dept., Present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
DATE : 24th February 2025.**

P.C.:-

- 1) By consent of learned Advocates for the respective parties, stand over to 6th March, 2025 at 2.30 p.m.
- 2) Mr. Setalvad, learned Senior Advocate on instructions submitted that, the statements made by the Superintendent of License, BMC in his Affidavit dated 29th July, 2024, that the Officers of BMC will take necessary steps for keeping away the illegal hawkers who are congesting the areas in the said 20 spots as stated in his Affidavit will continue to operate till the decision of the Petition.
- 3) Record indicates that, the learned amicus curiae Mr. Mistry has

spent substantial amount from his own pocket in photocopying numerous documents. He has prepared three bulky compilations and has also served copies of the same to the Advocates for the Respondents. In view thereof, we direct the High Court Legal Services Committee to pay an ad-hoc cost of Rs.50,000/- to Mr. Jamshed Mistry towards the expenses incurred by him till today. The said cost be paid within a period of one week from the date of production of this Order without raising any objections in that behalf.

4) The concerned Officer of BMC is directed to file Affidavit indicating the steps taken by it for preventing illegal hawkers as stated in his Affidavit dated 29th July, 2024 on or before 5th March, 2025.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

(This Order is modified/corrected pursuant to the Speaking to the Minutes of Order dated 6th March, 2025.)