

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUO MOTO PIL NO. 01 OF 2023

High Court On Its Own Motion ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

WITH

INTERIM APPLICATION NO. 621 OF 2024

IN

SUO MOTU PETITION NO. 1 OF 2023

Bombay Bar Association ... Applicant

V/s.

High Court on its own Motion ... Respondent

WITH

INTERIM APPLICATION NO. 782 OF 2024

IN

SUO MOTU PETITION NO. 1 OF 2023

Bandra Reclamation Area Volunteers Organization ... Applicant

V/s.

State of Maharashtra and Anr. ... Respondents

WITH

INTERIM APPLICATION (L) NO. 7056 OF 2024

IN

SUO MOTU PETITION NO. 1 OF 2023

Vivek Jaswant Singh ... Applicant

V/s.

High Court on its Own Motion and Ors. ... Respondents

WITH
INTERIM APPLICATION NO. 666 OF 2024

IN

SUO MOTU PETITION NO. 1 OF 2023

Atul Ramanlal Vora ... Applicant

V/s.

High Court on its Own Motion ... Respondent

WITH
INTERIM APPLICATION (L) NO. 23233 OF 2024

IN

SUO MOTU PETITION NO. 1 OF 2023

Charkop Gorai Hawkers Welfare ... Applicant

V/s.

High Court on its own Motion ... Respondent

WITH
INTERIM APPLICATION (L) NO. 22832 OF 2024

IN

SUO MOTU PETITION NO. 1 OF 2023

Kamgar Ekta Union Maharashtra
through President Mecanzy Peter Dabre ... Applicant

V/s.

State of Maharashtra and Ors. ... Respondents

WITH
INTERIM APPLICATION (L) NO. 22809 OF 2024

IN

SUO MOTU PETITION NO. 1 OF 2023

Lal Bavta General Kamgar Union
through President Madhukar Rajaram Parab ... Applicant
V/s.
State of Maharashtra and Ors. ... Respondents

WITH
INTERIM APPLICATION (L) NO. 21142 OF 2024
IN
SUO MOTU PETITION NO. 1 OF 2023

Chapel Lane (Damian Joseph Pinto Road)
and Tank Residents Association A.L.M. 143 ... Applicant
V/s.
High Court on its own Motion ... Respondent

WITH
INTERIM APPLICATION (L) NO. 1242 OF 2025
IN
SUO MOTU PETITION NO. 1 OF 2023

Indian Hotel and Restaurant Association
through Authorized Officer Atif Rasool Sojar ... Applicant
V/s.
High Court on its own Motion ... Respondent

WITH
WRIT PETITION NO. 766 OF 2021

Bombay Hawkers Association ... Petitioner
V/s.
Municipal Corporation Of Gr. Mumbai & Ors. ... Respondents

WITH**WRIT PETITION NO. 654 OF 2023**

Balram Lochan Chauhan ... Petitioner

V/s.

Municipal Corporation Of Gr. Mumbai & Ors. ... Respondents

WITH**CONTEMPT PETITION NO. 2 OF 2024****IN****PUBLIC INTEREST LITIGATION NO. 60 OF 2023**

Dharma Rajaram Vallakati ... Petitioner

V/s.

The State of Maharashtra
through Government Pleader ... Respondent

WITH**WRIT PETITION NO. 1262 OF 2023**

Sagar Park Co-Operative Housing Soc. & Ors. ... Petitioners

V/s.

Municipal Corporation Of Gr. Mumbai & Ors. ... Respondents

WITH**WRIT PETITION NO. 2750 OF 2019**

Bombay Hawkers Association ... Petitioner

V/s.

Chairperson, Town Vending Committee -MCGM & Ors. ... Respondents

Mr. Jamshed Mestry, Amicus Curie, present.

Mr. Janak Dwarkadas, Senior Advocate a/w. Ms. Namrata Vinod & Mr. Yash
Kataria i/b. S. Mahomedbhai & Co. for the Applicants in IA/621/2024

- Ms. Gayatri Singh, Senior Advocate a/w Mr. Kaustubh Gidh for the Applicant in IAL/22809/2024 and IAL/22832/2024.
- Ms. Gayatri Singh, Senior Advocate a/w Mr. Kaustubh Gidh for the Respondent Nos.5, 11 & 12 in SMP/01/2023.
- Ms. Varsha Sinkar, Sr. Inspector Licence, 'C' Ward, BMC.
- Mr. Anoop Patil a/w. Ms. S.V. Tondwalkar for Respondent-BMC in WP/1262/2023, WP/2750/2019, WP/766/2021 & WP/654/2019.
- Mr. Anoop Patil a/w. Ms. Pushpa Yadav & Ms. Oorja Dhond i/b. Ms. Komal Punjabi for the Respondent-BMC in CONPW/2/2024 in PIL/60/2023.
- Mr. Indrajeet Joshi for the Petitioner in WP/1262/2023.
- Ms. R.M. Hajare i/b. Ms. Komal Punjabi for Respondent-BMC in WP/1262/2023.
- Mr. Kevik Setalvad, Senior Advocate a/w. Ms. Oorja Dhond, Ms. Sneha Prabhu i/b. Komal Punjabi for Respondent-BMC in SMP/01/2023.
- Mr. Anil Kate, Superintendent, Licence Department, BMC.
- Mr. 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. Birendra Saraf, Advocate General a/w. Ms. P.H. Kantharia, G.P, Mr. Abhay L. Patki, Addl.G.P & Ms. Rita Joshi, A.G.P for the Respondent-State in SMP/1/2023.
- Mr. Birendra Saraf, Advocate General a/w Ms. P.H. Kantharia, G.P a/w Mr. Suraj Gupte, A.G.P for the Respondent-State in IA/621/2024.
- Mr. Birendra Saraf, Advocate General a/w Ms. P.H. Kantharia, G.P a/w Ms. Fatima Lakdawala, A.G.P for the Respondent-State in IA/782/2024.
- Mr. Birendra Saraf, Advocate General a/w Ms. P.H. Kantharia, G.P a/w Ms. Vrushali Kabre, A.G.P for the Respondent-State in IA/666/2024.
- Mr. Birendra Saraf, Advocate General a/w Ms. P.H. Kantharia, G.P a/w Ms. Anupamaa Pawar, A.G.P for the Respondent-State in IAL/7056/2024.
- Mr. Birendra Saraf, Advocate General a/w Ms. P.H. Kantharia, G.P a/w Mr.

Manish Upadhye, A.G.P for the Respondent-State in CONPW/02/2024 in PIL/60/2023.

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

Mr. Vishwanath Chavan, PSI, DCP Operation, CP Office, Mumbai.

Mr. Vijay Adsul, Officer, Licence Department, BMC.

Mr. Santosh Kale, Law Officer, C.P. Office, Mumbai.

Mr. Suryakant Doke, PSI, Borivali Police Station.

Mr. Dhanashir Kekalekar, A.PI., MRA Marg Police Station.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 7th February 2025.

P.C. :

1) Mr. Setalvad, learned senior counsel for the Respondent-BMC submitted that, the statement made by Shri Anil Kate, Superintendent of Licence, B.M.C., Mumbai, in his Affidavit dated 29th July 2024 will continue to operate and the Officers of B.M.C. will take necessary steps for keeping away the illegal hawkers, who are congesting the areas or streets in the said 20 spots, as stated in his Affidavit. The said statement is accepted.

2) Stand over to 24th February 2025, at 2:30 p.m..

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)