

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 26013 OF 2022**

Laxmi Nivruti Kamble ...Petitioner
Versus
Public Works Department & Ors ...Respondents

Mr Ashutosh Thipsay, for the Petitioner. (Legal aid counsel)
Mr Abhay Patki, Addl. GP, for Respondent No. 1-State.
Mr PG Lad, with Sayli Apte, Shreya Shah, for the Respondent-
MHADA.
Mr Shakeeb S Shaikh, for Respondent No. 5.

**CORAM G.S. Patel &
Neela Gokhale, JJ.**
DATED: 16th March 2023

PC:-

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1. Mr Lad seeks time to take instructions.
2. In the meantime, Respondent No. 5 has accepted notice and is represented by Mr Shaikh. He seeks time to file Affidavit in Reply. His submission is that the facts stated in the Petition are materially incorrect in several aspects. Important among these is the statement in the Petition that the Petitioner had only three children, two sons and a daughter and that the two sons have passed away. The Petition has also asserted that the Petitioner is living on the streets and is

cared for by her surviving daughter. Respondent No. 5 says that this is entirely untrue. The Petitioner had a total of seven children. There is another daughter and another son. The other daughter is employed with the local police as a constable. The daughter lives in government accommodation or quarters. Respondent No. 5 states that the Petitioner is in fact not living on the streets but lives in those quarters with her police constable daughter. If this is indeed so and there are material misstatements of this kind in the Petition, we will have no hesitation in dismissing the Petition.

3. We allow Respondent No. 5 to put these assertions on Affidavit. That Affidavit is to be filed and served on or before 24th March 2023.

4. List the matter high on board on 29th March 2023.

5. In addition, we direct the joinder of the MCGM because there is a rehousing policy in place with the MCGM for the homeless. Amendments are to be carried out by the end of the day tomorrow, 17th March 2023 without need of reverification.

6. The MCGM will be served in the course of the following week.

(Neela Gokhale, J)

(G. S. Patel, J)