

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24332/2012

(From the judgement and order dated 23/07/2012 in WP No.3733/2012 dated 24/07/2012 in WP No.3733/2012 of The HIGH COURT OF BOMBAY)

RAVINDRA SADANAND PHATAK

Petitioner(s)

VERSUS

SANJAY DEVRAM BHOIR AND ORS.

Respondent(s)

(With appln(s) for directions, exemption from filing O.T., permission to file additional documents, permission to file lengthy grounds and prayer for interim relief and office report)

Date: 05/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Rahul Chitnis, Adv.
Mr. Chirag Shah, Adv.
Mr. C.K. Sasi, AOR

For Respondent(s) Mr. Gopal Subramaniam, Sr. Adv.
No.1 Mr. L.M. Acharrya, Adv.
Mr. Gaurav Agrawal, AOR
Mr. Shankar Narayanan, Adv.

Mr. Vinay Navare, Adv.
Mr. Keshav Ranjan, Adv.
Mr. Satyajeet Kumar, Adv.
Ms. Abha R. Sharma, AOR

For R-2 & 6 Mr. Sanjay Kharde, Adv.
Ms. Asha Gopalan Nair, AOR

For R-5 Mr. C.U. Singh, Sr. Adv.
Mr. Santosh Paul, Adv.
Ms. Arti Singh, AOR
Ms. Mohita Bagati, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A. Nos.5 and 6 of 2012, have been filed in S.L.P. (C) No.24332 of 2012, filed by one Ravindra Sadanand Pathak, inter alia, for a direction upon the Divisional Commissioner, Thane Division, Mumbai, the respondent No.2 in the special leave petition, to hold the first meeting of the Standing Committee of the respondent No.4-Corporation, as constituted on 19th May, 2012, for the purpose of electing one of the Councilors from the members of the Standing

Committee to be its Chairman.

The special leave petition, which is pending in this Court, concerns the recognition of a group of persons forming an Agadhi, but the pendency of the said matter should not hamper the work of the Standing Committee, since without a Chairman being appointed to the said Standing Committee, all the work of the Municipality is at a stand-still.

In our view, an interim arrangement is required to be made so that the Standing Committee does not remain non-functional pending the hearing of the special leave petition, which, in our view, is also required to be expedited, so that a quietus can be put to the entire matter.

Accordingly, having heard learned counsel for the respective parties and Mr. Sanjay Kharde, learned counsel appearing for the respondent Nos.2 and 6, we allow the interlocutory applications and, as a purely interim measure, direct the respondent No.2 to hold the meeting of the Standing Committee of the respondent No.4-Corporation, for the purpose of electing a Chairman from amongst the members of the Standing Committee. This will be a purely interim measure, so that the Municipality can function.

We make it clear that this order shall not have any effect, as far as the disposal of the special leave petition, is concerned.

Let the special leave petition be listed for final hearing on 18th October, 2012, at the top, subject to any part heard matter.

Since the counter affidavits have been filed in the matter, rejoinder thereto, if any, may be filed within a week from date.

|(Chetan Kumar)
|Court Master

|(Juginder Kaur)
|Assistant Registrar

|
|