

ITEM NO.15

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).10133/2017

(Arising out of impugned final judgment and order dated 10-02-2017
in PIL No.10/2016 passed by the High Court of Bombay)

HAJI ALI DARGAH TRUST

Petitioner(s)

VERSUS

SAHAYAK, A SOCIO LEGAL AND EDUCATIONAL FORUM & ORS.

Respondent(s)

(and IA No.56545/2017-APPROPRIATE ORDERS/DIRECTIONS and IA
No.57188/2017-XTRA and IA No.57189/2017-MODIFICATION and IA
No.63025/2017-EXTENSION OF TIME)

Date : 14-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.Huzefa Ahmadi, Sr.Adv.
Mr.Faisal Farook, Adv.
Mr.Shubail Farook, Adv.
Ms.Priya Puri, Adv.
Mr.Kshitij Kumar, Adv.
Mr.Praful Jindal, Adv.
Mr.Ranjay Dubey, Adv.

For Respondent(s) Mr.Dhruv Mehta, Sr.Adv.
Mr.Ashish Wad, Adv.
Mr.P.V.Naik, Adv.
Mrs.Jayashree Wad, Adv.
Ms.Paromita Majumdar, Adv.
Ms.Sukriti Jaggi, Adv.
For M/s J S Wad and Co., AOR

Mr.Venkita Subramoniam T.R, AOR

Mr.Nishant Ramakantrao Katneshwarkar, Adv.
Ms.Deepa Kulkarni, Adv.Mr.Vinay Navare, Adv.
Mr.Atul B.Dakh, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the rival parties.

2. In compliance of the directions issued by this Court, learned counsel representing the State of Maharashtra has filed an affidavit dated 10.08.2017 indicating compliance not only by reference to the particular encroachers/encroachments but also by way of photographs depicting the removal of the encroachments.

3. The affidavit also discloses that six structures are still remaining to be demolished. It is disclosed, that the same could not be demolished on account of interim protection orders, and with reference to one case, on account of the fact, that the proceedings in connection therewith are pending with the concerned competent authority. With reference to the above six remaining structures, depicted in paragraph 3 of the affidavit, we consider it just and appropriate to require the concerned Court/authority to dispose of the pending matters finally, one way or the other. To seek expeditious disposal, liberty is granted to the official respondents in the concerned cases to move an appropriate application along with a copy of the instant petition. We hope and expect, that all the pending matters will be disposed of within two months from today.

4. Insofar as the first encroacher, in the list of six structures, referred to above, namely, Mohd.Hussain Hafiz Khan is concerned, he has preferred Writ Petition No.10724 of 2016 before the High Court of Judicature at Bombay. The State of Maharashtra shall place on the record of the above case, within one week from today, the motion bench order dated 13.04.2017, passed by this Court, restraining the passing of any interim order by any other Court, except this Court, and on the basis thereof, for the

disposal of the writ petition, on terms and conditions as may be considered appropriate by the High Court.

5. Enclosed with the above affidavit dated 10.08.2017, as Annexure A-7, is the proposed beautification pathway of the Haji Ali Dargah campus and its surroundings. The same needs consideration at the hands of the concerned authorities. We therefore hereby direct, that the Collector of Bombay shall convene a meeting of all concerned stake holders and authorities on 04.09.2017, and take a final decision, accepting the proposed beautification plan, as it is or with modifications as may be considered appropriate, or even a fresh/new beautification plan within three weeks of holding the first meeting (on 04.09.2017).

6. List on 04.10.2017.

7. On the next date of hearing, the finally approved plan will be placed on the record of this case. An affidavit shall also be filed indicating the time within which the beautification plan will be fully implemented. We hope and expect, that the implementation of the beautification plan will be carried out, under all circumstances, before 31.12.2017, so that the visitors to the Haji Ali Dargah, in the new year, will experience the efforts of all concerned in upgrading the existing structure and its environment.

8. The issue of regularisation of the Kinara Masjid area, be also finalised, one way or the other, before the next date of hearing i.e. 04.10.2017.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASST.REGISTRAR

