

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
WRIT PETITION URGENT 2 OF 2020 (TO BE NUMBERED
SUBSEQUENTLY)

COURT ON ITS OWN MOTION

IN RE: Extention of Interim Orders

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR.JUSTICE A.A.SAYED,
HON'BLE MR.JUSTICE S.S.SHINDE
HON'BLE MR.JUSTICE K.K.TATED

P.C.

ORDER

26.03.2020

1 The Bench of four Judges of this court is constituted in emergent situation considering the outbreak of COVID-19 and consequential lockdown.

2 Mr.Asif I. Patel, Addl. G.P., Mr.B.V.Samant, A.G.P. And Mr.Shahajirao Shinde, A.P.P., are present. Efforts are on to contact office of the learned Additional Solicitor General.

3 Our attention has been invited to orders passed by the High Court of Delhi on 25.03.2020 in W.P. URGENT2/2020, Order of High Court of Kerala at Ernakulam in W.P. (C) No.9400 of 2020 (Suo Motu) on same date and Order of High Court of Karnataka at Bengaluru dated 24.03.2020 in Writ Petition No.6435 of 2020.

4 This court has today received a letter sent by five Senior Advocates namely Mr.Janak Dwarkadas, Ms.Rajani Iyer, Mr.Anil Anturkar, Mr.Mihir Desai and Ms.Gayatri Singh requesting as under:

1. That the modalities of affirming Petitions are modified to dispense with the personal presence of the Petitioner to sign and affirm the Petition particularly in Public Interest Litigation on appropriate undertakings.

2. That the modalities of Filing Petitions are modified to allow for e-filings.

3. The hearing of the Petitions be undertaken regularly, through video conferencing for the safety and protection of all associated with the exercise.

4. That the grievances of poor and marginalised are given priority and with sensitivity for effective redressal.

5 The Registry informs us that matters are being entertained even if presented directly in court without affidavit or court fee. No procedural issues / objections are being raised. Facility of e-filing is already available and hearing through video conferencing can also be availed, as that arrangement has already been made since last about

one week.

6 The urgent matters on request are being attended to and parties can make request for urgent hearing through emails or other modes. Two courts are already notified for hearing of such matters, the dates of sitting are also notified. Registry also inform us that in extreme urgent matters, even at eleventh hour, parties can move court for appropriate interim order.

7 As the lock down is now declared till 14.04.2020, normal working of this court at least till then is not possible. As the staff is not available, files cannot be made over to court. As local transport is shut down, lawyers and litigants are finding it difficult to approach the court.

8 In this situation, we find it appropriate to continue all interim orders which are operating till today and are not already continued by some other courts / authority including this court and the same shall remain in force till 30.04.2020, subject to liberty to parties to move for vacation of interim orders only in extreme urgent cases. Thus, all interim orders passed by this High Court at Mumbai, Aurangabad, Nagpur and Panaji as also all courts/ Tribunal and authorities subordinate over which it has power of superintendence expiring before 30.04.2020, shall continue to operate till then. It is clarified that such interim orders which are not granted for limited duration and therefore, are to operate till further orders, shall remain unaffected by this order.

9 Orders or decree for eviction, dispossession, demolition already passed by any court/Tribunal/Authority shall also remain in abeyance till then.

10 Considering the prevalent shut down and other issues, we hope that Government as also municipal authorities and other agencies or instrumentalities shall also be slow in taking any coercive steps so as to drive the citizen to court of law in the meantime.

11 This order be published on the official website of this court and its copy shall also be forwarded to all concerned.

HON'BLE THE CHIEF JUSTICE

HON'BLE MR.JUSTICE A.A.SAYED,

HON'BLE MR.JUSTICE S.S.SHINDE

HON'BLE MR.JUSTICE K.K.TATED