

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SUO MOTU PUBLIC INTEREST LITIGATION NO. 1 OF 2021

**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A. A. SAYED
HON'BLE MR. JUSTICE S. S. SHINDE
HON'BLE MR. JUSTICE P. B. VARALE**

Court On its Own Motion

Re: Matters wherein interim orders have been passed by the High Court of Bombay at its Principal Seat, and the Benches at Nagpur and Aurangabad, the High Court of Bombay at Goa, and the courts/tribunals subordinate to it including the courts/tribunals in the Union Territory of Dadra and Nagar Haveli, and Daman and Diu, during the second wave of the pandemic arising out of COVID-19 virus and for extending protection to those who are disabled to access justice because of the restricted functioning of courts/tribunals.



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**ORDER
(APRIL 16, 2021)**

1. The second wave of the pandemic, arising out of COVID-19 virus, has been wreaking havoc just as the first wave did in the year that went by. To combat the rising second wave, the Government of Maharashtra in the Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya,

Mumbai, has issued an order dated April 13, 2021 titled "Break The Chain" (hereafter "the said order", for short). The said order, containing initiation/imposition of various emergency measures, seeks to prevent and contain the spread of the virus. *Inter alia*, Section 144 of the Code of Criminal Procedure and night curfew have been imposed from 20.00 hours of April 14, 2021 till 07.00 hours of May 1, 2021. Such measures, together with other restrictions imposed by the said order, have rendered it difficult to conduct judicial proceedings in this Court as well as the courts/tribunals in the districts/talukas in the physical presence of advocates, litigants and other stakeholders, and with the full complement of officers/staff. As an obvious consequence, access to justice has been hindered. In terms of an earlier decision of the Administrative Committee, judicial proceedings in this Court and the courts subordinate thereto (except in the State of Goa) have been suspended till April 18, 2021, except extremely urgent matters.

2. In a meeting of the Judges of the Administrative Committee of this Court held at 11.00 hours today, it has been resolved to regulate judicial proceedings of all the Benches and the courts/tribunals subordinate to the High Court of Bombay by imposing appropriate restrictions. Having regard to such regulatory measures which the Court on the administrative side has resolved

to impose, the need for the Court to consider the situation on the judicial side and to make appropriate orders (in respect of the matter under consideration and referred to above), to serve the ends of justice, was stressed upon in such meeting.

3. Since the prevailing situation in Maharashtra is alarming with exponential rise in active cases and to protect the interest of all those who have been or are disabled to access justice, the Chief Justice considered it necessary and appropriate to initiate this *suo motu* litigation in public interest and to constitute this Special Bench for making appropriate orders considering the plight of the justice seekers. Office is directed to register this matter as a Public Interest Litigation (*suo motu*).

4. Accordingly, in exercise of the inherent powers of this Court as a Chartered High Court, preserved under Article 225 of the Constitution of India, read with the authority derived from Articles 226 and 227 thereof, it is directed that in all matters wherein interim orders passed by this Court or the courts/tribunals subordinate to this Court were subsisting as on April 9, 2021, April 12, 2021 and April 15, 2021, as well as those which are likely to expire within April 19, 2021 or soon thereafter, such interim orders shall unconditionally stand extended till May 7, 2021 or until further orders of this Bench, unless specifically dealt with by any judicial order to the contrary. All parties affected by the

continuance of the interim orders as above will be at liberty to apply for vacating or variation of such orders upon notice to the party in whose favour such interim orders have been made.

5. It is further directed that conditional orders of any court/tribunal/authority allowing occupation of any premises subject to payment of rent or occupation charges will continue, notwithstanding the non-deposit of rent or occupation charges between April 9, 2021 and May 7, 2021. Similarly, for failure and/or omission to deposit rent or occupation charges in terms of the rent control legislations and/or the other relevant statutes will not immediately make the tenant or occupant liable for eviction till May 7, 2021 or until further orders, whichever is earlier.

6. This Bench further directs that all other conditional orders of the court/tribunal/authority will continue to remain in operation till May 7, 2021 or until further orders, notwithstanding the non-fulfillment of the conditions imposed.

7. It is also directed that any order or decree for eviction/dispossession/demolition which might have been passed by any court/tribunal/authority subsequent to April 9, 2021 shall remain in abeyance till May 7, 2021, unless directed otherwise in the meanwhile. It would be desirable if till May 7, 2021 or until further orders, whichever is earlier, removal of encroachers without notice is not resorted to.

8. This order will also apply to orders passed by the relevant Benches of this Court on matters pertaining to its Original Side.
9. Place this matter for further consideration on May 6, 2021.

CHIEF JUSTICE

JUSTICE A. A. SAYED

JUSTICE S. S. SHINDE

JUSTICE P. B. VARALE



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