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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**PUBLIC INTEREST LITIGATION (L) NO. 10276 OF 2021
WITH
INTERIM APPLICATION (L) NO. 14467 OF 2021
WITH
INTERIM APPLICATION (L) NO. 13570 OF 2021**

Sneha Nirav Marjadi .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION (L) NO. 28694 OF 2021
IN
PUBLIC INTEREST LITIGATION (L) NO. 10276 OF 2021**

Dr. Vishakha Rajendra Shinde .. Applicant
In the matter between
Sneha Nirav Marjadi .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 3120 OF 2021
IN
PUBLIC INTEREST LITIGATION (L) NO. 10276 OF 2021**

Indian Medical Association .. Applicant
In the matter between
Sneha Nirav Marjadi .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. Atharva Dandekar with Mr. Arshil Shah, Mr. Nirav Marjadi, Mr. Dharampal Dave, Mr. Drasti Jani, Ms. Parisha Shah, Ms. Smita Durve and Mr. Rasesh Shah i/b. Mr. Arshil Shah for the petitioner.

Mr. Ravi Kadam-Senior Advocate with Mr. Rohan Kadam i/b. Mr. Neel Helekar for the applicant in IAL/13570/2021.

Ms. P. H. Kantharia-Government Pleader with Mr. Amit Shastri-AGP for State.

Mr. Abhijit P. Kulkarni with Mr. Viraj Hake for the PMC.

Mr. Aditya Thakkar with Mr. D. P. Singh i/b. Mr. Gul Asanani for respondent no. 3 (UoI).

Mr. Anupam Surve with Mr. Nimish Kothare, Mr. Nikhil Mutha and Hilla Boatwalla for respondent no. 4.

Mr. Nitin Deshpande for the applicant in IAL/28694/2021 and IA/3120/2021.

Mr. A. Y. Sakhare-Senior Advocate with Ms. K. H. Mastakar for the MCGM.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: JANUARY 10, 2022

PC:

PIL(L) No. 10276 of 2021:

1. The Municipal Corporation of Greater Mumbai, through its senior counsel Mr. A. Y. Sakhare, has submitted a note dated January 9, 2022 on several aspects, viz. action taken for Omicron surveillance, testing, protocol to be followed by international travelers, bed management, dashboard,

ambulance management, oxygen supply, supply of medicines as well as the facilities that are now available.

2. We are informed that the learned advocate for the petitioner has received a copy of such note through e-mail today morning, and that he requires some time to look into the same.

3. While adjourning hearing of this PIL petition till **Monday next (January 17, 2022)**, we express hope and trust that even during the present testing times of the third wave of the pandemic, the Municipal Corporation shall not leave any stone unturned to ensure that health and medical care of the general public, because of the emergence and spread of the Omicron variant, is given top priority and not compromised in any manner whatsoever and that the measures which have been indicated in the note are observed in letter and spirit.

4. We also record Mr. Sakhare's assurance that if over a period of any time any improvement is required to be made in the current set-up to cater to the interest of the general public to combat the third wave, the Municipal Corporation will unhesitatingly direct further/other steps towards achieving such improvement.

5. We grant liberty to the learned advocate for the petitioner to offer suggestions to the Municipal Corporation and if, upon consideration of such suggestions, the same are found to be acceptable, the Municipal Corporation shall proceed to implement such suggestions.

Interim Application (L) No. 28694 of 2021:

1. Mr. Deshpande, learned advocate for the applicant seeks leave to withdraw this interim application and to pursue the applicant's remedy before the appropriate Bench of this Court having jurisdiction.
2. Leave, as prayed for, is granted. The interim application stands dismissed as withdrawn. There shall be no order as to costs. This order shall, however, not preclude the applicant to pursue her remedy in accordance with law.

Interim Application No. 3120 of 2021:

1. Mr. Deshpande, learned advocate for the applicant submits that prayer clauses (a) and (c) of the interim application will not be pressed in course of these proceedings. However, he submits that since prayer clauses (b), (d) and (e) would cover the entirety of the State of Maharashtra and are intended to secure public interest, the same may be considered.
2. Accepting the request of Mr. Deshpande, we record that prayer clauses (a) and (c) of the interim application shall not be pressed in course of these proceedings; however, we also record that relief sought for by the applicant vide prayer clauses (b), (d) and (e) shall be duly considered.
3. List this application along with the PIL petition on January 17, 2022.

SALUNKE
JV

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by SALUNKE JV
Date: 2022.01.10
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(M. S. KARNIK, J.)

(CHIEF JUSTICE)