

AGK

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

PUBLIC INTEREST LITIGATION NO. 4 OF 2022

Sohan Rajeev Agate & Anr. ...Petitioners

V/s.

The State of Maharashtra & Ors. ...Respondents

WITH

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION (ST) NO. 6218 OF 2022

Feroze Mithiborwala ...Petitioner

V/s.

The State of Maharashtra & Ors. ...Respondents

Mr. Vijay Kurle i/by Mr. Mangesh Bhimrao Dongre with Ms. Dipali N. Ojha, Mr. Tanveer Nizam, Mr. Abhishek N. Mishra, Ms. Mariam Nizam, Mr. Awtar Singh, Mr. Ishwarlal S. Aggarwal, Mr. Partho Sarkar, Mr. Sandeep Sheregar, Mr. Pratik Jain, Ms. Deepika Jaiswal, Ms. Poonam Rajbhar, Ms. Nicky Pokar, Ms. Snehal Surve, Mr. Shivchand Mishra, Ms. Siddhi Dhamnaskar, Mr. Pratik Sarkar, Mr. Vikas Pawar, Mr. Mayank Mishra, Ms. Kajal Hindalekar, & Mr. Aniruddh More for the petitioners in CRPIL/4/2022.

Mr. Nilesh Ojha i/by Ms. Snehal Surve & Ms. Siddhi Dhamnaskar with Mr. Vijay Kurle, Ms. Dipali N. Ojha, Mr. Tanveer Nizam, Mr. Abhishek N. Mishra, Ms. Mariam Nizam, Mr. Awtar Singh, Mr. Ishwarlal S. Aggarwal, Mr. Partho Sarkar, Mr. Sandeep Sheregar, Mr. Mangesh Bhimrao Dongre, Mr. Abhishek N. Mishra, Mr. Pratik Jain, Ms. Deepika Jaiswal, Ms. Poonam Rajbhar, Ms. Nicky Pokar, Mr. Shivchand Mishra, Mr. Pratik Sarkar, Mr. Vikas Pawar, Mr. Mayank Mishra, Ms. Kajal Hindalekar, & Mr. Aniruddh More for the petitioner in PIL(ST)/6218/2022.

Mr. S. U. Kamdar, Senior Advocate & Special Counsel with Mr. P. P. Kakade, G. P. & Smt. R. A. Salunkhe, AGP for the State.

Mr. Anil C. Singh, Additional Solicitor General, with Aditya Thakkar & Mr. D. P. Singh for respondent/Union of India.

Mr. Anil Sakhare, Senior Advocate with Om Suryavanshi for respondent nos. 21 & 22/MCGM.

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

DATE: MARCH 23, 2022

P.C.:

1. Mr. Kamdar, learned senior advocate for the State has placed before us a letter bearing DO No. 40-3/2020-DM/I(A) dated 22nd March 2012 issued by the Home Secretary to the Government of India seeking to impress upon all the States and Union Territories to appropriately discontinue issue of orders and guidelines under the Disaster Management Act, 2005 for COVID containment measures in view of the significantly improving situation. He submits that the matter has to be considered by the State Executive Committee once again in the light of the observations contained in the letter dated 22nd March 2022 and a fresh decision taken for which suitable time should be given.

2. At this stage, we are informed that the Hon'ble Supreme Court seized of the issue as to whether public transport services could be made available only to vaccinated passengers has reserved judgment on a writ petition filed before it under Article 32 of the Constitution of India yesterday.

3. In such view of the matter, compulsory vaccination which has been made a condition for availing public transport services by the State Government may not be dealt with by this Court so long the judgment is not pronounced by the Hon'ble Supreme Court.

- 4.** Insofar as the other issues raised by the petitioners regarding imposition of fine for not adhering to COVID appropriate behavior and realization thereof from the members of the public shall be considered on the next date.
- 5.** List these writ petitions for further consideration once again on **5th April 2022.**

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

PRAVIN
DASHARATH
PANDIT

Digitally signed by
PRAVIN DASHARATH
PANDIT
Date: 2022.03.23
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