

Urmila Ingale

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

**CRIMINAL PUBLIC INTEREST LITIGATION NO. 4 OF 2022**

Sohan Rajeev Agate and anr. .. Petitioners  
**Vs.**  
The State of Maharashtra and ors. .. Respondents

**CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION ST. NO. 6218 OF 2022**

Feroze Mithiborwala .. Petitioner  
**Vs.**  
The State of Maharashtra and ors. .. Respondents

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Mr Vijay Kurle i/b Adv. Mangesh Bhimrao Dongre a/w Adv. Dipali N. Ojha, Adv. Tanveer Nizam, Mr Abhishek N. Mishra, Adv. Mariam Nizam, Adv. Awtar Singh, Adv. Ishwarlal S. Aggarwal, Adv. Partho Sarkar, Adv. Sandeep Sheregar, Adv. Pratik Jain, Adv. Deepika Jaiswal, Adv. Poonam Rajbhar, Adv. Nicky Pokar, Adv. Snehal Surve, Adv. Shivchand Mishra, Adv. Siddhi Dhamnaskar, Adv. Pratik Sarkar, Adv. Vikas Pawar, Adv Mayank Mishra, Ms. Kajal Hindalekar, Mr. Aniruddh More, Adv A.R. Koiri, Adv Anil Jaiswar, Adv Sarana S. Gundajwar, for petitioner in CR.PIL No. 4 of 2022.

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

Mr. S. U. Kamdar, Senior Advocate, Special Counsel a/w. Mr. P. P. Kakade, Government Pleader a/w. Smt. R. A. Salunkhe, AGP for State.

Mr D.P. Singh for Resp/UOI.

Mr Anil Sakhare, Sr. Adv a/w Mr Om Suryawanshi for Resp/MCGM

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

**DATE: APRIL 5, 2022**

**P.C.:**

1. Mr. Ojha, learned advocate appearing for the petitioner in PIL Petition Stamp No. 6218 of 2022 has placed before us an order dated March 31, 2022 issued by the Principal Secretary, Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Government of Maharashtra, Mantralaya, Mumbai. Such order withdraws all the restrictions imposed under the Disaster Management Act, 2005 (hereafter "2005 Act", for short) with effect from midnight of April 1, 2022. All District Disaster Management Authorities have been advised thereby to withdraw all the restrictions imposed for the purposes of containment of Covid-19 pandemic under the 2005 Act.

2. Issuance of such order dated March 31, 2022 takes care of one part of the grievances of the petitioner; we, therefore, close the issue raised with regard to availing of public transport services by vaccinated people only.

3. However, Mr. Ojha submits that recovery of fine as well as some other issues raised in the public interest litigation survives for consideration and that the Court may decide such issues.
4. Let the State and the other respondents file affidavits-in-reply dealing with the issues raised in the public interest litigation, other than the one relatable to availing of public transport services, by June 13, 2022; rejoinder thereto, if any, may be filed by June 30, 2022.
5. List the PIL petition on **July 11, 2022.**

**(M. S. KARNIK, J.)**

**(CHIEF JUSTICE)**