

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

PIL CJ LD VC 33 OF 2020

Chirag Chanani & Ors. ... **Petitioner**
VS.
Union of India & Ors. ... **Respondents**

**WITH
PIL CJ LD VC IA 1 OF 2020
IN
PIL CJ LD VC 33 OF 2020**

Sagar Sahani ... **Applicant**
in the matter between
Chirag Chanani & Ors. ... **Petitioner**
VS.
Union of India & Ors. ... **Respondents**

**WITH
PIL CJ LD VC IA 2 OF 2020
IN
PIL CJ LD VC 33 OF 2020**

Nitin Bagonda Patil ... **Applicant**
in the matter between
Chirag Chanani & Ors. ... **Petitioner**
VS.
Union of India & Ors. ... **Respondents**

**WITH
PIL CJ LD VC IA 3 OF 2020
IN
PIL CJ LD VC 33 OF 2020**

Chirag Chanani & Ors. ... **Applicants**
in the matter between
Chirag Chanani & Ors. ... **Petitioner**
VS.
Union of India & Ors. ... **Respondents**

**WITH
PIL CJ LD VC IA 5 OF 2020
IN
PIL CJ LD VC 33 OF 2020**

Ashley David Cusher	...	Applicant
in the matter between		
Chirag Chanani & Ors.	...	Petitioner
vs.		
Union of India & Ors.	...	Respondents

Mr. Shaym Dewani a/w. Heena Kapoor & Bhoomi Katira i/b.
Dewani Associates for Peitioners
Mr. Anil C Singh, ASG a/w Mr. SandeshPatil and D. P. Singh for
the Respondent No. 1. UOI
Mr. A.A.Kumbhkoni, Advocate General with Purnima Kantharia,
Government Pleader with Jyoti Chavan, AGP For State for
Respondent
Mr. Parth Zaveri for Applicants PIL-CJ-LD-VC-IA-5-2020
Mr. Uday Warunjikar for Applicants PIL-CJ-LD-VC-IA-3-2020
Mr. Ashley David Cushar for Applicants in PIL-CJ-LD-VC-IA-5-
2020

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- SEPTEMBER 15, 2020

PC :-

1. On the earlier occasion, the possibility as to whether lawyers who are appearing in the High Court before the Benches which are taking physical hearing, a permission to travel by the local trains can be granted was discussed. Learned Advocate General as well as learned Additional Solicitor General had fairly consented to consider the said request on experimental basis.

2. Learned Advocate General after taking instructions has placed on record a brief note which would set out the arrangements that can be made for lawyers who are attending the physical hearing before the High Court. A note setting out the steps which would be required to be taken by such advocates to obtain a certification to that effect from the Registrar and thereafter approach the Railway authorities for issuance of necessary travel pass is placed on record. It is stated that this arrangement would be an arrangement on experimental basis and only in regard to the advocates who are attending physical hearing before different Benches of this Court.

3. Learned Additional Solicitor General has also taken instructions from the railways and would state that in principle, the railways are also agreeable for this arrangement to be set into motion as suggested on behalf of the State.

4. There are contentions as urged on behalf of other applicants who intend to appear before other Courts, however, in the present situation, we are not inclined to consider any other request except in regard to the advocates who are appearing in the physical hearing before the High Court. We

would consider these applications on the adjourned date of hearing.

5. Accordingly, we accept the arrangement as suggested on behalf of the State and as agreed on behalf of the railways. This arrangement would be in operation with effect from September 18 2020. Hence, the following order:

- (i) The concerned advocate who intends to physically appear before the Benches of this Court at its principal seat at Mumbai shall apply to the designated Registrar of the High Court seeking a day's pass relating to the particular date only on which his/her matter is listed for hearing before one of the four Benches of this High Court.
- (ii) The designated Registrar only after confirming the correctness of the claim so made in the application in terms of the present arrangement via email will issue a certification of the requirement for a particular day to the concerned advocate.

- (iii) Upon receipt of such certification from the designated Registrar, the advocate concerned will approach the railway authorities to obtain appropriate pass/document for travel or ticket permitting him/her to avail the local train services, for the particular day for which a travel permission is required.
 - (iv) The railway authorities after verifying the pass so issued will issue appropriate travel documents/ticket etc., as the case may be, permitting travel by local train services to the applicant/advocate for the particular day.
 - (v) The above arrangement would be available to the applicant/advocate only and who satisfies all the above conditions.
 - (vi) The arrangement will continue to operate on an experimental basis upto October 7, 2020 with effect from 18 September, 2020.
6. All the proceedings are adjourned to October 6, 2020.
7. We expect that the certification which would be issued

by the Registrar to the advocates to travel by the local trains would not be in any manner whatsoever be misused by the concerned advocate. In the event, there is a misuse, it would be open for the Bar Council of Maharashtra and Goa to take appropriate action as may be permissible in law.

8. All pending petitions touching the issues involved be listed on the adjourned date.

9. Parties to act on an authenticated copy of the order.

10. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)