

ITEM NO.4 Court 5 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.1200/2020

HARSHAL N. MIRASHI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln.(s) for IA No.105480/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 17-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 The petitioner-in-person, who is an advocate, submitted that he has moved this court under Article 32 on the understanding that a challenge to the validity of central legislation can only be agitated before this court under Article 32 of the Constitution. We have explained to him that this is not a correct understanding of the constitutional position. A fleeting visit to Durga Das Basu's 'Shorter Constitution of India' would have resolved his predicament. Having regard to the ambit of the power of judicial review conferred upon the High Courts under Article 226, there is no reason for this

Court to entertain this petition under Article 32 of the Constitution challenging the constitutional validity of the Epidemic Act. The petitioner has an efficacious remedy which is available under Article 226 of the Constitution.

- 2 The Writ Petition is accordingly dismissed.
- 3 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master