

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

905 PUBLIC INTEREST LITIGATION NO. 58 OF 2024

TULSHIRAM NARAYANRAO DHOND AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL  
SECRETARY AND OTHERS

...

Mr. B. B. Yenge a/w Mr. Ajay Shinde, Advocates for the Petitioners  
Mr. V. M. Kagne, AGP for the Respondents-State

CORAM : RAVINDRA V. GHUGE &  
Y. G. KHOBRADE, JJ.

DATE : 23<sup>rd</sup> August, 2024

**ORDER:**

1. Hearing in the matter was concluded yesterday, at around 6.40 p.m. Due to paucity of time, the said matter was posted today for dictation of order.

2. On 6<sup>th</sup> August, 2024, we had passed the following order:-

"1. We have heard the learned Advocate for the Petitioners and the learned Government Pleader. The latter has tendered an office noting of the Resident Deputy Collector, Latur, dated 02.08.2024 (4 pages). The same is marked as 'X-1', for identification.

2. The learned Advocate for the Petitioners has pointed out Clauses 3 and 4 of the Noting 'X-1'. The District Collector will have to move quickly to carryout a proper measurement and move the 3 meters wide road by around 8 meters, to

create *space of around 1178 sq. meters for construction of the Industrial and Labour Courts in Latur.*

3. *In clause 5, a hope has been voiced that the said land, for the purposes of the Industrial and Labour Courts, could probably increase even upto 1200 square meters, if the existing road on the south side is moved. It is also stated that such movement of the road is possible.*

4. *In view of the above, we direct the District Collector, Latur to apprise the Court as to how much time he is likely to take to complete the process of measurement and the shifting of the alignment of the road, in order to create space for the Industrial and Labour Courts. Let such statement be made on the next date.*

5. *List this Petition on 13<sup>th</sup> August, 2024 at 4.30 p.m."*

3. It is clear from the pleadings of the parties, especially in view of the affidavit in reply filed on behalf of Respondent No.4 through Mrs. Varsha Thakur-Ghuge, District Collector, Latur, dated 12<sup>th</sup> August, 2024 that the Government has every intention of giving a piece of land for the purpose of constructing a Court building to accommodate the Labour and Industrial Courts at Latur, in the old Collectorate building premises.

4. It is stated in paragraph Nos. 9 and 10 of the affidavit in reply as under:-

"9) I say and submit that, in view of the order passed by this Hon'ble Court, the office of the Collector called meeting on 09.08.2024 with all concerned department. The Commissioner Municipal Corporation, Latur, the Town Planner, Latur, Executive Engineer Public Works department, Latur, Tahsildar and other Revenue Officers attended the said meeting. In the said meeting the issue of shifting of alignment of road was discussed and it was unanimously resolved that,

(a) Measurement of entire land of CTS No. 5340.

(b) Revision of Plan/Map of entire land.

(c) Obtaining sanction to revised plan/map.

10) I humbly say and submit that, as the issue of measurement of the entire land, revision of plan map considering the issues of open space, parking space, width of road and F SI are required to be taken into consideration in view of the Unified Development Control and Promotion Regulation and other Rules applicable. The process in respect of above mentioned issues related with the many departments and procedural formality, survey, report and approvals of the concerned departments will take some time. I undertake to complete the entire process within the period of four months from today. The answering respondent most humbly prays to grant time of four months to complete the entire process as mentioned above. The answering respondent is duty bound to comply further directions fo this Hon'ble Court."

5. We have also perused the report of the Resident Deputy Collector, Latur, dated 02.08.2024, titled as 'Minutes of the meeting dated 02.08.2024 convened for the purpose of allotting land in old District Collectorate office area for the purpose of Industrial and Labour Courts, at Latur.'. Based on the said report, we had passed the order dated 6<sup>th</sup> August, 2024, recording therein that there is a possibility that the land admeasuring 1200 square meters could be available for the purpose of constructing the Labour and Industrial Courts building, if the existing by-lane road on the south side is moved further, which movement of the road is said to be possible.

6. The learned Advocate for the Petitioners has placed reliance upon the judgment delivered by this Court [Coram: A.S. Oka,(as His Lordship then was) and Anuja Prabhu Dessai, JJ.] dated 13th June, 2017 in the matter of **Federation of Labour Law Practitioners Association, Maharashtra and another Vs. State of Maharashtra and others**, more particularly Paragraph Nos. 12(b) to 12(i), which read as under:-

*"(b) We direct that the directions contained in Clauses [J] to [T] of the operative part of the Judgment and Order dated 5th May 2017 passed in PIL No.156 of 2011 and other connected Petitions/PILs shall be implemented in case of all the Industrial and Labour Courts in the State. The directions contained in the aforesaid clauses [J] to [T] shall be*

*implemented within the time frame provided in the said Judgment and Order dated 5th May 2017. As far as Labour and Industrial Courts are concerned, the time frame shall be computed from the date of this judgment;*

*(c) We clarify that implementation of the directions contained in the said Judgment and Order dated 5th May 2017 in relation to the rental premises in which Industrial and Labour Courts situate, shall be made to the extent to which the respective landlords of their premises cooperate. If the landlords decline to cooperate, the State Government shall take all lawful steps against the landlords;*

*(d) We direct the State Government to undertake exercise of identifying Government plots/premises/buildings for accommodating all the Industrial and Labour Courts which are housed in rental premises. The exercise of identifying Government plots/premises/buildings for all the Industrial and Labour Courts housed in the rental premises shall be completed as expeditiously as possible and preferably within a period of one year from today. While identifying Government lands/plots/ premises, the State Government shall take into consideration even the future need for a period of 25 years;*

*(e) The High Court Administration will supply norms fixed for the size of Civil and Criminal Courts in the State to the Principal Secretary of the Industries, Energy and Labour Department of the State Government within a period of one month from today;*

*(f) The norms fixed for the size of the designated quarters for the Judicial Officers in the State shall be also supplied by the*

*High Court Administration within the same time to the said Principal Secretary;*

*(g) The State Government shall take a final decision on the norms for the size of the Industrial Courts and Labour Courts in the State and the size of the designated quarters for the Judges of the Industrial and Labour Courts in the State within a period of six months from today. Needless to add that before finalizing the norms, the State Government shall consult the President of the Industrial Court, the Principal Secretary of the Law and Judiciary Department and the Registrar General Court;*

*(h) The State Government shall ensure that all the Court Complexes of the Labour and Industrial Courts in the State are shifted to the Government owned premises of appropriate size later than five years from today;*

*(i) The designated Government quarters shall be made available to the learned Judges of the Industrial and Labour Courts in the State within a period of five years from today;"*

7. The learned Advocate then cites an order passed by the Hon'ble Supreme Court dated 22<sup>nd</sup> August, 2024 in **Suo Moto Writ Petition (Civil) No. 5 of 2024** and points out that the Hon'ble Supreme Court has directed the State Government for taking up the matter for sanction of estimate and for release of funds in relation to the setting up of the new Bombay High Court Building at Bandra Kurla Complex. He points out paragraph No. 3(iv), which reads as under:

*"3(iv) Once possession is handed over of the alternative premises to the High Court, any further request by the High Court for sanctions and the estimates and for release of funds shall be taken up expeditiously by the State Government."*

8. In view of the above, we direct the District Collector, Latur to personally look into the matter and do the needful in the light of the report of the Resident Deputy Collector dated 2<sup>nd</sup> August, 2024 and considering the directions of this Court in **Federation of Labour Law Practitioners Association, Maharashtra and another**(Supra) and those by the Hon'ble Supreme Court, vide the order dated 22.08.2024, reproduced above.

9. We expect that the land would be cleared and made available for the purpose of construction of Labour and Industrial Courts, on or before 25<sup>th</sup> September, 2024

10. The said land would be handed to the Learned Member, Industrial Court Latur, who shall forthwith communicate this development to the President of the Labour and Industrial Courts, Maharashtra.

11. We expect the President, Labour and Industrial Courts, Maharashtra to move a proposal for construction of the Labour and Industrial Courts building, as also the residential accommodation for

the learned Judges of the Labour and Industrial Courts at Latur. A copy of the said proposal shall be placed on record before this court.

12. Leave to add the Member, Industrial Court, Latur as Respondent No.5 and the President, Labour and Industrial Courts, Maharashtra as Respondent No.6. Issue notice to the added respondents. The learned AGP waives service of notice on behalf of the added respondents.

13. It be noted that if the Model Code of Conduct is introduced, the same shall not be an impediment to any authority concerned, in implementing this order.

( Y. G. KHOBRADE, J. )

( RAVINDRA V. GHUGE, J. )

JPChavan