

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5856 OF 2007

Anandilal Hazarimal Bhutada (deleted) and ors.

-Vs-

Municipal Council Shegaon and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.F.T. Mirza (Amicus Curiae)for the petitioners.
Mr.D.M. Kale counsel for the respondent no.1
Mr.D.M. Kakani, counsel for respondent no.11.
Mr.A.R. Patil, counsel for respondent no.6
Mr. S.M. Ghodeswar, Addl.G.P. for respondent Nos.2 to 5.

**CORAM : SUNIL B. SHUKRE &
AVINASH G. GHAROTE, JJ.**

DATE :14.01.2021.

1. Heard learned counsel appearing for the respective parties.
2. On going through the note of the *amicus curiae*, which is self speaking, it appears to us that one issue requires immediate attention of this Court and it is about the handing over of the skywalk recently built to Shree Gajanan Maharaj Sansthan for its maintenance and upkeep for the reason that, it has been completed long back and its unuse, and neglect may lead to many complications including increase in antisocial activities, thefts and so on and so forth.
3. Shree D.P.Thakre, Addl. G.P informs this Court that Divisional Commissioner, Amravati has already referred this matter to the State Government- respondent no.2, but, response of the State Government- respondent

no.2 has not been received so far.

4. Considering the urgency of the situation, the antisocial elements roaming free on the unguarded skywalk and the inconvenience being caused to the devotees, by not putting to use the skywalk, leading to congestion and chaos in traffic in general, we find that it is necessary to issue a direction by way of stop gap arrangement to prevent all these things from happening.

5. Shree Patil, learned counsel for Shree Gajanan Maharaj Sansthan, submits at this juncture that only handing over of only skywalk would not suffice the purpose and it would also be necessary that the portion of Unad nala over which skywalk is built and also the side ways of the skywalk are required to be handed over to Shree Gajanan Maharaj Sansthan for proper maintenance of skywalk and also the beautification of all the areas affected by skywalk. We see no difficulty in granting this request also.

6. Accordingly, we direct the Divisional Commissioner, Amravati to hand over skywalk and all the portions of Unad nala over which skywalk flies and which are in the vicinity of skywalk and also all the side ways of the skywalk within a period of three days from the date of the order. Upon handing over of the skywalk, and the other areas in terms of this order, Shree Gajanan Maharaj Sansthan, shall issue an acknowledgment of receipt of these properties. Needless to mention, Shree Gajanan Maharaj Sansthan would properly maintain and

beautify this property. The above referred directions shall remain valid until further orders.

7. In addition to the above referred directions, we also direct the State Government, respondent no.2, to take necessary steps regarding grant of approval to the agreement (Annexure-R) finalised on 24.08.2020, to be executed between Divisional Commissioner Amravati, and Shree Gajanan Maharaj Sansthan, within a period of three weeks from the date of the order.

8. Stand over to **24th February 2021** for further directions.

JUDGE

JUDGE