

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

WRIT PETITION NO.5856/2007  
Anandilal Hajarimal Bhutada and another  
-Vs.-  
Shegaon Municipal Council and others

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

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Mr. F.T. Mirza, Amicus Curiae.  
Mr. D.M. Kale, Advocate for respondent No.1.  
Mr. D.P. Thakare, Additional Government Pleader  
for respondent Nos.2 to 5.  
Mr. A.R. Patil, Advocate for respondent No.6.  
Mr. N.P. Lambat, Advocate for respondent No.9.  
Mr. D.M. Kakani, Advocate for respondent No.11.

**CORAM : SUNIL B. SHUKRE AND  
G.A. SANAP, JJ.**

**DATE : 27.7.2022**

Heard.

2. Shri Thakare, learned Additional Government Pleader has tendered before the Court approval granted by the State Government to the agreement to be executed between the Divisional Commissioner, Amravati and Shri Sant Gajanan Maharaj Sansthan, Shegaon regarding handing over of the sky-walk, the portion of the land below the sky-walk including the side ways of the

sky-walk. The approval has been communicated to the learned Additional Government Pleader vide State Government Letter dated 26.7.2022. It is taken on record and marked "A" for identification.

3. As rightly pointed out by Shri Mirza, learned Amicus, the approval being conditional and manifestly going against the directions of this Court dated 14.1.2021 would be of no use and even if the agreement is executed, it would not benefit the devotees in any way.

4. It appears to us that the State Government has ignored the various directions issued by this Court especially directions contained in the order dated 14.1.2021 for the agreement to be executed between the Divisional Commissioner, Amravati who is the Nodal Officer of Shegaon Development Committee on one hand and Shri Sant Gajanan Maharaj Sansthan, Shegaon on the other. While granting approval, some conditions have been imposed, which cannot be accepted by this Court.

5. Condition No.9, as for example, is the one, which is inconsistent with the directions issued by this Court on 14.1.2021. Condition No.9 states that sky-walk over Unad Nalah, Unad Nalah and the service lanes going along both the banks of Unad Nalah would not be handed over to Shri Sant Gajanan Maharaj Sansthan,

Shegaon. This condition defeats the very purpose of the agreement to be executed between the Nodal Officer and Shri Sant Gajanan Maharaj Sansthan, Shegaon. Then, condition No.19 confers power upon the Chief Officer, Municipal Council to take a decision about cancellation of the agreement on being satisfied that any condition of approval of the agreement is violated by either of the parties.

6. It is a matter of record that the Municipal Council, Shegaon's contribution to the cause espoused in this petition has been minimum and the parties to this petition, through various directions issued by this Court, and also Shegaon Development Committee have contributed most in development of Shegaon Town as a beautiful pilgrimage town. The power to make a decision of the cancellation of agreement would, therefore, have to be necessarily with the Nodal Officer of Shegaon Development Committee or the State Government and not with anybody else.

7. We, therefore, reject the approval granted by the State Government.

8. We again direct the State Government to approve the agreement which has been filed on record as Annexure R as it is and without any addition thereto or subtraction therefrom.

9. It may be noted here that this agreement has also been approved by this Court and, therefore, it is expected that the State Government does not change or delete any of the conditions of the agreement. The tenor and the terms and conditions of the agreement have been seen by us and they appear to be in the best interest of the devotees, welfare of Shri Sant Gajanan Maharaj Sansthan, Shegaon and also in the best interest of the citizens of Shegaon town as the traffic congestion has been removed and organization and sanity has been instilled in the traffic flowing across Shegaon town and, therefore, we direct that the agreement shall be approved by the State Government as it is.

10. We also direct the State Government to file on record its report regarding compliance of the directions issued by this Court on 5 April 2018 on or before the next date.

11. Stand over to 7 September 2022 with all connected matters.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)