

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

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

Court's or Judge's Orders.

Mr. J.B. Gandhi, Advocate for the petitioners.
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. P.N. Kothari, Advocate for respondent No.8.
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 : 28.9.2022

Heard.

2. The additional affidavit of respondent No.1 has been placed on record. It is sworn in by Dr. Jayshree Ravindra Borade, the present Chief Officer of Municipal Council, Shegaon. She is personally present before this Court.

3. We have gone through the affidavit. It discloses that with the assistance of the Collector, Buldhana and

the Superintendent of Police, Buldhana, the Chief Officer has succeeded in removing all the encroachments from Matangpura and Khalwadi area and not only that also handed over the land to Shri Gajanan Maharaj Sansthan, Shegaon.

4. The issue of removal of all the encroachments has been pending for quite a long period of time and we must place our appreciation on record for Dr. Jayshree Ravindra Borade and also Collector, Buldhana, and Superintendent of Police, Buldhana as they have achieved something which was not be possible in the past and that their achievements are also against all odds. Of course, without blessings of the Presiding Deity of the Sansthan, this would not have been possible.

5. Now, a more daunting task lies ahead of the Sansthan. The Sansthan has to fulfill the expectation of law as expressed by this Court in it's order dated 5.4.2018.

6. The Sansthan has already prepared a plan for development of Matangpura and Khalwadi area and this plan has been approved by this Court and it was directed that the plan shall be scrupulously executed and no further construction except the one as provided in the plan itself would be made by the Sansthan. The copy of the plan is again taken on record and it is marked "A1"

for identification.

7. Shri Arun Patil, learned counsel for the Sansthan submits that the Sansthan has already initiated steps for executing this plan to its perfection but, there are certain glitches in executing the plan in its entirety. He points out that there is an interim relief granted by this Court in a petition filed by some of the erstwhile owners in Writ Petition No.2127/2020 wherein this Court has granted interim relief in the nature of maintenance of *status quo* by the parties. He points out that because of this interim relief, the development of such works as Police Chowki, Security Check Area and New Entry Gate and part of road construction would be affected and the Sansthan would not be in a position to undertake construction of these works.

8. We can understand the difficulty of the Sansthan. When there is an interim relief granted by this Court, the Sansthan would not be in a position to change the present status of the position obtaining at these areas. But, leaving that apart, Sansthan, in our view, can go ahead with the development of the other works as shown in the plan "A1".

9. We would, therefore, request the Sansthan to go ahead with the remaining works barring those affected by the interim relief granted by this Court in Writ Petition

No.2127/2020 and complete those works as expeditiously as possible and preferably within six months from today.

10. Meanwhile, let this petition be listed on board for hearing on **12.10.2022** along with Writ Petition No.2127/2020.

11. As regards the completion of the works detailed in plan "A1" within the deadline set by this Court, we agree with the submission of Shri Arun Patil, learned counsel for the Sansthan that assistance from the revenue as well as police authorities in an active manner would be required and, therefore, we direct the Collector, Buldhana as well as the Superintendent of Police, Buldhana to provide all assistance as required by the Sansthan in completion of all the developmental works of plan "A1" and that would also include providing adequate police *bandobast* for that purpose as and when requisitioned by the Sansthan.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)