

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5856 OF 2007

Anandilal hajarimal Bhutada and another

vs.

Shegaon Municipal Council, Shegaon and others

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

Court's or Judge's Orders.

Shri. Firdos Mirza, Amicus Curiae.
Shri. D.M.Kale, Advocate for respondent No.1.
Shri. Deepak Thakare, Addl.G.P for respondents Nos.2 to 5.
Shri. Arun Patil, Advocate for respondent No.6.
Shri. D. M. Kakani, Advocate for respondent No.20.

**CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, JJ.**

DATE : 02/03/2023

Heard.

2. Perused the note filed by Shri.Firdos Mirza, learned Amicus Curiae.

3. Shri.Arun Patil, learned counsel for Shri.Gajanan Maharaj Sansthan, Shegaon points out that on the day of "Prakat Din" of Shri.Gajanan Maharaj, this year which fell on 13/02/2023, there was huge rush of the devotees and it was about

10 lakhs. He submit that due to such rush of the devotees, things were about to go out of control, but by the grace of Shri.Gajanan Maharaj, no untoward incident happened or any law and order situation created. He further submits that unless and until additional parking space is created and the construction of road RD-14 is completed before the expiry of the development plan on 31/03/2023, the issues and problems arising therefrom, at the holy place where millions of devotees throng every year would not be resolved effectively.

4. Shri.Firdos Mirza, learned Amicus Curiae submits that the multi storied parking complex is proposed to be constructed by the Sansthan, but it is unable to do so, in spite of having sufficient funds, because of the inaction on the part of the Municipal Council, Shegaon in handing over possession of some part of land, which is under occupation of Annabhau Sathe Primary School from Khalwadi area.

5. Shri.Arun Patil, learned counsel for the Sansthan submits that there are also other occupants whose leases have expired way back and whose occupation is now unauthorised, who are coming in the way of Municipal Council in handing over the possession of the remaining land from Khalwadi area.

6. Shri. Firdos Mirza, learned Amicus Curiae submits that completion of the construction work of road RD-14 in next two or three weeks is necessary, as the development plan for Shegaon is going to expire on 31/03/2023.

7. Shri.Mirza, further submits that even the Police and Municipal Council are required to be directed to ensure that the area between gates of Gajanan Maharaj Sansthan, Shegaon and Ambedkar Square is declared as “no parking zone” and no vehicles are parked, nor any encroachment is done along side or on the road.

8. Considering the submissions and difficulties being faced by the Shri.Gajanan Maharaj Sansthan, Shegaon, the Municipal Council, Shegaon and by the devotees themselves, we find that it is necessary that appropriate directs are issued and they are issued as follows :-

(a) The Municipal Council, Shegaon shall take steps for handing over possession of the remaining portion of the land from Khalwadi area including the land in the occupation of Annabhau Sathe Primary School, but excluding the land which is subject matter of

order dated 13/05/2022 passed by the Divisional Commissioner of Revenue, Amravati in respect of which appeal/revision is pending before the Hon'ble Minister; in accordance with law, at the earliest and in any case within a period of **one week**.

(b) We further direct Municipal Council, Shegaon to remove all houses in respect of whom compensation has already been deposited for acquiring the lands of the houses, in accordance with law within a period of **one week** from the date of the order.

(c) We direct Public Works Department to complete the construction of road, RD-14 within one week from the date of the clearance of the land by Shegaon, Municipal Council as per the above directions.

(d) We direct Superintendent of Police, Buldhana to declare, by issuing notification, the entire area between gates of Shri. Gajanan Maharaj Temple and Ambedkar Square as **"no parking zone"**.

(e) We direct Superintendent of Police and also Chief Officer, Municipal Council, Shegaon to ensure, after declaration of the entire area between gates of Shri.Gajanan Maharaj Temple and Ambedkar Square that there are no encroachments made or the area is not used for any unauthorized parking after declaration of the area to be no parking zone.

(f) We direct Collector and Superintendent of Police, Buldhana to provide appropriate Police bandobast and assistance to Municipal Council, Shegaon for carrying out the above referred directions.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)