

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

912 PUBLIC INTEREST LITIGATION NO.5 OF 2015

DHIRAJ SHANTLING SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Mane Dhairyashil M And
Nagargoje A N
Mrs. AV Gondhalekar Addl.GP for Respondents 1 To 8

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 10th February,2015.

PER COURT :

1) The petitioner is praying for issuance of directions to the Respondents to construct Central Administrative building and Tehsil office on Survey No. 243/B, situated at Bhoom, District Osmanabad. The petitioner is also seeking a restraint order from demolishing existing building of tehsil office, Bhoom and constructing the proposed tehsil office building within the existing premises of the tehsil office at Bhoom.

2) It is the contention of the petitioner that a Trust, viz. Alamprabhu Devasthan has donated the property, i.e. Survey No. 243/B, free of costs, in favour of the State Government with a view to facilitate the State Government to construct tehsil office and administrative building. It is the further contention of the petitioner that since the property has been donated to the State Government for

the aforesaid purpose free of costs, it is not permissible for the State Government to change its stance and proceed to construct tehsil office at some different place. The State Government proposes to construct the tehsil office at the existing site by demolishing the old dilapidated structures.

3) Learned AGP, appearing for the State, on instructions, informs that it is not practically feasible to construct both the buildings, i.e. tehsil office and administrative building at the same place. A decision has, therefore, been taken to construct the administrative building in Survey No.243/B.

4) Learned Counsel for petitioner contends that it would be inconvenient for the people at large to visit two offices at two different locations/places. The contentions raised by the petitioner need not be gone into since it is an administrative decision of the State Government to construct its offices within the limits of taluka place, i.e. Bhoom and in all probabilities, both the buildings are within proximate distance.

5) The administrative decision taken by the State Government to construct two buildings at two different locations, does not call for any interference in exercise of extra-ordinary jurisdiction under Article 226 of Constitution of India. The writ petition, as such, stands rejected.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/