

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****PUBLIC INTEREST LITIGATION NO. 173 OF 2014**

Samayak Sankalp Vichar Sanstha, through Chairman,
Mrs. Kavita V. PatekarPetitioner.

Vs.

The Municipal Commissioner, Pune and ors.Respondents.

Mr. Vedraj H. Toraskar or the Petitioner.
Mr. A. P. Kulkarni for the Respondent Nos. 1, 2 and 4 to 6.
Mr. P. S. Gujar with Ms. Neeta Masurkar for the Respondent No.12.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 23.01.2015

P.C.:-

By this Petition which is registered as public interest litigation, the Petitioner seeks a direction to the Respondent Nos. 1 to 9 to demolish the new school building and make the space beneath the same available to the students as a playground. The Petitioner seeks a direction to the CID and CBI to investigate in the financial irregularities by the Respondent No.1.

It is the case of the Petitioner that the Respondent No.1 has constructed the school building of Krishnaji Balwant More School, a municipal school and school Nos. 172 B, 74-G on the plot which was

earmarked as playground for the students. It is stated that with the construction of the school building with playground, there is no open space for the playground. It is stated that the bathrooms in the newly constructed school are not properly constructed and the door of one of the bathrooms is in broken state. The learned counsel has tendered copies of some photographs in the Court for perusal.

On the other hand, it is submitted on behalf of the Respondent No.1 that the Corporation school was in a dilapidated state and it was therefore necessary to rebuild and develop the school at the earliest. It is stated that necessary permissions from the concerned Authorities were sought before the construction of the school buildings and a commencement certificate was also issued in favour of the Respondent No.1. It is stated that the case of the Petitioner that the students will have no playground is not correct as the Respondent No. 1 would be taking immediate steps for demolition of the old school building and the space beneath the old school building would be utilised by the students as a playground.

On hearing the learned counsel for the parties, it appears that the Petitioner is not entitled to the relief sought. The construction commenced after the commencement certificate was issued in favour of the Respondent No.1. It appears that the new building was constructed as the old building was in a dilapidated condition and the same would have been rendered hazardous to the students. The case of the Petitioner that there is no

playground appears to be incorrect as it is pointed on behalf of the Respondent No.1 that the old building would be demolished and the space beneath the same would be used as a playground.

It is also stated on behalf of the Respondent No.1 that the construction work of the new school building is likely to be completed by May and as soon as the same is completed, the old school building would be demolished.

In view of the aforesaid, we dispose of the Petition with a direction to the Respondent No.1 to positively make the playground available to the students by Diwali 2015. No costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)