

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

C.A.W.NO. 2308/2014 IN W.P.NO. 694/2004.

J.N. Tata Parsi Girls High School and another.

-VERSUS-

The State of Maharashtra and others.

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

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : SEPTEMBER 11, 2015.

Heard Shri A.G. Gharote, learned counsel
for the petitioner, Ms. K. Deshpande, learned A.G.P.
for respondent no.1, Shri R.B. Puranik, learned counsel
for respondent nos. 2 and 3 and Mrs. S.S. Jachak,
learned counsel for respondent no.7.

2. The matter was before this Court on
23.06.2015, 26.08.2015 and thereafter on 09.09.2015.
After hearing for some time and in order to enable the
learned A.G.P. to obtain instructions from respondent
no.1, the matter came to be adjourned. Today learned

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A.G.P. states that she has received instructions from the office of the Collector, as also Tahsildar and their office do not have any objection if the prayer made in the application is allowed, and land is permitted to be used in consonance with the Development Control Rules.

3. Shri Puranik, learned counsel appearing on behalf of respondent nos. 2 and 3 also does not have any objection.

4. Ms. Jachak, learned counsel appearing for respondent no.7 points out that respondent no.7 was not party to the writ Petition No. 694/2004, which has been disposed of by this Court on 05.08.2004.

5. In Writ Petition No.694/2004, the present petitioners submitted an undertaking on 10.03.2004 and stated that they would use the land as play ground, for indoor and outdoor sports, cultural, social and recreational activities, conferences etc. of petitioner no.2 School for all times to come. Details of land are given in paragraph no.1 of that undertaking. It is not in dispute that the said land is now purchased by the petitioners.

6. The prayer is to permit the petitioners to

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raise a structure on the said land for holding classes to teach students.

7. It is clear that if the Development Control Rules permit the activity which is in the interest of students, it can be permitted on the said plot, and hence, we modify the undertaking dated 10.03.2004 only to the extent of permitting the user of land for construction of class rooms to impart education to students of petitioner no.2 School, provided such construction is permitted by the Development Control Rules.

8. Civil Application is accordingly and disposed of in the aforesaid terms. No costs.

JUDGE

JUDGE

Rgd.