

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1018 of 2015

Dt:12.11.2015

Between:

Ch.Ram Babu and others.

... Appellants

And

Sri Bapuji Go Samrakshna Sangham and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1018 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order, dated 26.08.2014, disposing of two writ petitions, whereby W.P.No.24562 of 2014 has been dismissed and W.P.No.22893 of 2014 has been allowed.

The writ petitions were filed by respondent No.1 and the Teachers working in the School respectively. While disposing of both the writ petitions, respondent Nos.2 to 6 were directed to immediately take steps to identify an alternative premises, where the School can be run, and then shift the School to the said premises on or before 30.04.2015. The possession of the premises was protected till then.

We have heard learned counsel for the parties and they have agreed for the order that we propose to pass and they have fairly stated that we need not record reasons for disposing of the instant appeal. Hence, we dispose of this appeal with the following order:

“It is open to the appellants and/or, respondent No.1-Sri Bapuji Go Samrakshana Sangham to approach the concerned Department of the Government or to approach civil Court for appropriate relief. If they both or either of them approach the Government within a period of 4 weeks from today with representation and the documents in support of their prayer in the representation, the concerned authority shall consider and deal with the same on merits in accordance with law and uninfluenced by the observations made in the impugned order within a period of 12 weeks from the date of receipt of the representation and shall communicate the decision to all concerned.

It is needless to mention that the concerned authority shall grant an opportunity of being heard to all the concerned including, respondent No.1. It is also open to the appellants and/or respondent No.1 to obtain interim order if they so desire and advised from the concerned authority of the Government. This shall not preclude the appellants and/or respondent No.1 from approaching civil Court for appropriate relief if they so desire and advised. If a suit is instituted by them and any application for interim relief is filed, we hope and trust that the civil Court shall deal with the same on merits in accordance with law and uninfluenced by the observations made in the impugned order insofar as title to the property is concerned.

Interim order passed by this Court on 30.09.2015 shall remain operative till the end of the academic year 2015-16. It is further made clear that if the appellants and/or respondent No.1 do not succeed in obtaining orders either from concerned Department of the Government or from civil Court, as aforementioned, the order passed by learned Single Judge, which is impugned in the present appeal, shall operate and it would be open to respondent No.1 to execute the same. Insofar as title to the property is concerned, all contentions of the parties are kept open.”

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:12.11.2015

kdl

