

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

**CIVIL APPLICATION NO. 3496 OF 2016
IN
PUBLIC INTEREST LITIGATION NO. 18 OF 2011**

Shri Saibaba Sansthan Trust .. Applicant

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. S.R. Choukidar, Advocate for the applicant.

Mr. S.G. Karlekar, A.G.P. for respondent/State.

Mr. K.M. Nagarkar h/f. Mr. S.B. Talekar, Advocate for the petitioners in PIL.

**CORAM : A.V.NIRGUDE &
INDIRA K. JAIN, JJ.**

DATED : 18.03.2016

P.C. :-

1. Heard. Perused application and order of the Supreme Court dated 22.02.2016 in Civil Appeal No. 14016 of 2015 and connected appeals. As per said order the trust as well as State of Maharashtra are directed to bear 50% of the compensation payable to the shop keepers. The amount is now calculated. It comes to Rs. 16 crores, out of which the State of Maharashtra, as per order of the Supreme Court, should deposit the amount in this Court by 4th April, 2016. Similar amount would be deposited by the trust in this Court by 4th April, 2016.

2. This application seeks permission to deposit not only the trust's own contribution but also contribution payable by the State of Maharashtra. The State of

Maharashtra vide order dated 15th March, 2016 addressed to the trust, expressed its inability to deposit the amount as per the order of the Supreme Court within the stipulated time and therefore to avoid further complications and delay in rehabilitation, the State of Maharashtra requested the trust to deposit this amount with the Court. The trust has accepted this task mainly because it is the trust who is likely to be benefited if the claimants are rehabilitated. The land under their shops, according to learned Counsel for the applicant, would be utilized for the benefit of the trust.

3. In view of this, we allow this application. The Civil Application is allowed in terms of prayer clause "B". This, however, does not mean that the State of Maharashtra is absolved from their liability to deposit this amount as per the order of Supreme Court. The State of Maharashtra is directed to pay 50% of the amount i.e. Rs.8 Crores to the trust on or before 13th July, 2016. In case, such amount is not paid, the trust is at liberty to make application to this Court for further action.

[INDIRA K. JAIN,J.]

[A.V.NIRGUDE,J.]