

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.9479/2016

**924 CIVIL APPLICATION NO. 9479 OF 2016
IN WP/4797/2004**

THE LIQUIDATOR AURANGABAD THROUGH ITS MEMBER
SECRETARY AURANGABAD
VERSUS
RAYAJI NATHA AUTADE AND OTHERS

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Advocate for Applicant : Mr.Dhorde Vikram R
AGP for Respondent State: Mr.U.H.Bhogle
Mr.V.D.Sapkal, Adv., for respondent no.9.
Smt Asha Rasal, Adv., for respondent no.13 in WP.
Mr. V.D.Salunke, Adv., for petitioner in WP.
Mr.N.R.Bhavar, Adv., for respondent no.7 in WP.
Mr. R.S.Deshmukh, Adv., for respondent no.10 in WP.
Mr.R.R.Mantri, Adv., for respondent no.12 in WP.

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CORAM : P.R. BORA, J.
Dated: July 05, 2016

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PER COURT :-

1. This is an application filed by the Liquidator, Aurangabad Taluka Cooperative Cotton Ginning Pressing Society Ltd., Aurangabad, seeking permission to allow the applicant society to give the land admeasuring 6 Acres Acres 12 R. for holding the Bazar during the Ramzan Id till 7.7.2016.

2. The learned Counsel appearing for the applicant brought to my notice the decision taken by the Administrative Committee in its meeting held on 29.6.2016. Learned Counsel further submitted that in -

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view of the application received from one Shaikh Raj Mohamad Shaikh Osman, President of Raj Education and Welfare Society, Aurangabad, a meeting was held and principally it was agreed that if the High Court grants permission, the further process can be undertaken so as to allow a Bazar during Ramzad Id, to be held on the said space, till 7.7.2016. The permission so sought has been opposed by almost all the respondents in the present petition.

3. After having heard the learned Counsel appearing for the petitioner and the respondents, it appears to this Court that unless exhaustive scheme is prepared or some guidelines are laid down for use of the subject premises / space, it may be improper to allow the said premises / space to be used for any purpose, may be for a temporary period. I find substance in the apprehension expressed by the respondents that once such course is adopted of allowing the use of the said premises, may be for temporary period; like at present, for the purpose of holding a Bazar during Ramzan Id, similar applications are likely to be received, making similar request by several other sects of the society. It is, thus, necessary that the Administrative Committee frames

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a policy. In the instant case, the application from Raj Education and Welfare Society was received on 29th of June, 2016, and the Committee has taken a decision on the same day. Policy decisions cannot be taken in haste and without considering the pros and cons of the decision.

In view of the above, I am not inclined to allow the present Civil Application. The Civil Application is rejected.

(P.R. BORA, J.)

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