

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.432 OF 2016

Shri Jeevan Mahadev Argade	...	Petitioner
V/s.		
The State of Maharashtra & Ors.	...	Respondents

Mr. Sharad T. Bhosale for the Petitioner.
Mr. P.P. Kakade, AGP for the State/Respondents.

**CORAM : NARESH H. PATIL AND
A.A. SAYED, JJ.**

12th January, 2016.

P.C.-

1 Heard learned Counsel for the Petitioner and learned AGP for the Respondents/State.

2 The Petitioner who claims to be a social worker raises challenge to the steps taken by the Authorities consequent to the issuance of Government Resolution dated 5 May 2011 (Exhibit A-1 to the Petition). Learned Counsel appearing for the Petitioner submits that the Petitioner is not asserting that the Government Resolution is contrary to the judgment dated 29 September 2009 passed by the Apex Court in Special Leave to Appeal (Civil) No.8519 of 2006 (**Union of India vs. State of Gujarat & Ors.**) and order dated 9 January 2015 passed by this Court in Public Interest Litigation No.104 of 2010 (**Society for Fast Justice & Anr. vs. The State of Maharashtra and others**). Learned Counsel submits that the concerned committee has not heard

the affected parties and which has hurt the religious sentiments of the Petitioner. Learned Counsel submits that the appropriate representation was addressed to the concerned committee which is annexed at Exhibit 'D' to the Petition.

3 Learned AGP submits that the committees and the concerned authorities will take decision strictly in accordance with the policy framed by the State Government under Government Resolution dated 5 May 2011.

4 The Authorities would not show any undue haste in taking decision as these issues relate to sentiments of people at large. Learned AGP has pointed out that the representation relied upon by the Petitioner is not addressed by the Petitioner but by one action committee formed for the said purposes.

5 The Petitioner prays in prayer clause (b) as follows:

“(b) This Hon'ble Court be pleased to issue the writ of mandamus or certiorari or any other appropriate writ/direction/order in the nature of writ of mandamus or certiorari under Articles 226 and 227 of the Constitution of India, by quash and set aside the impugned decision, policy and Order/notice of destruction of religious places situated at Barshi City District Solapur by District Level Committee;”

6 The Petitioner questions the validity of impugned notice dated 10 December 2015 issued by Respondent No.3 – Chief Officer, Barshi Nagara Parishad, Barshi. The said notice is annexed at Exhibit 'C' to the Petition.

7 During the course of hearing, an order passed in Public Interest Litigation No.104 of 2010 dated 9 January 2015 was presented before us. Directions were issued to the State Local Authorities for demolition of illegal religious structures by adopting certain procedure as prescribed in the order. The State Government had issued a Government Resolution dated 5 May 2011 consequent to the orders passed by the Apex Court. A detailed procedure has been prescribed by the State. In view of the same, we are not inclined to interfere at the behest of the Petitioner. However, the Petitioner may file appropriate representation to the concerned authorities. It is clarified that we have not expressed any opinion on the merits of the matter. The Petition is disposed of.

(A.A. SAYED, J.)

(NARESH H. PATIL, J.)