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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.35 OF 2016
IN
PUBLIC INTEREST LITIGATION NO.199 OF 2010.

Vidya Pratisthan Applicant.

In the matter of

Jyotiram Jadhav .. Petitioner.

Versus

The State of Maharashtra Respondent

Mr. Abhijit P. Kulkarni, for the Applicant.

Mr. Sagar Anant Joshi for the petitioner.

Mrs. M. P. Thakur, AGP for respondent Nos 1 & 2.

CORAM : A. S. OKA &

DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 3rd MARCH 2016.

P.C. :

1. Heard the learned counsel appearing for the applicant.
2. The applicant is the third respondent in the Writ Petition. This Application is made in terms of clause No.4 of the order dated 15th July, 2014, passed by this Court. By the said order, PIL was admitted for final hearing and interim relief was granted.
3. The work which the applicant proposes to carry out has been set out in Exhibit "B" to the application. The order granting interim relief

notes that a school building has been already constructed for which occupation certificate has been granted. The perusal of Exhibit B to the application shows that the applicant does not intend to carry out any major work. Even if the applicant is allowed to carry out the said work, no equity will be created in favour of the applicant.

4. The learned counsel appearing for the petitioner in PIL objects to the prayer made in this application. Considering the nature of work which is proposed to be carried out, we do not see any merit in the opposition.

5. Accordingly, we allow the application in terms of prayer clause (b).

6. As far as the prayer clause clause (c) is concerned, the applicant is protected by Clause No.4 of the order dated 15th July, 2014.

7. The prayer clause (b) is granted subject to applicant filing an undertaking in this Court stating that the applicant will not claim any equity on the ground that a permission granted by this Court to carry out the work specified in Exhibit B.

8. The undertaking shall be filed within two weeks.

9. Application is disposed of in above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[A. S. OKA, J.]