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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION

WRIT PETITION NO. 7376 OF 2014

Mrs. Sumitra Krishna Kadu ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondent

Mr. Hemmant Govind Wakshe for the Petitioner
Mr. A.I. Patel AGP for the Respondent Nos. 1 & 4
Mr. Jaydeep Deo for the Respondent Nos. 2 & 3
Mr. A.S. Kauingdhvaj i/b. Mr. Sandeep V. Marne for the Respondent No.5

CORAM : A.S.OKA, &
C.V. BHADANG, JJ.
DATE : JANUARY 12, 2016

P.C.:

1. Heard the learned Counsel appearing for the petitioner. The contention of the petitioner is that the Deity was installed before the cut off date fixed by the State Government. The contention is that the notice issued by the 2nd respondent was in respect of the compound or the structure around the Deity and there was no notice in respect of the Deity. The contention is that the removal of the Deity on the basis of the said notice is illegal.

2. This petition involves disputed questions of facts, which in our opinion can be more appropriately decided by the Civil Court. Unless the petitioner establishes that the Deity or the Idol was lawfully installed, the petitioner cannot succeed. For that purpose evidence will be necessary.

3. We, therefore, dispose of the petition by keeping open the remedy of the petitioner to approach the appropriate Civil Court.

4. All the contentions on merits are kept open.

(C.V. BHADANG,J.) (A.S.OKA,J.)