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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.343 OF 2016 IN
PUBLIC INTEREST LITIGATION NO.68 OF 2008

Navjivan Mitra Mandal Trust ...Applicant

In the matter between

The Gorai Machhimar Sahakari
Sanstha Ltd. & Ors.

...Petitioner

vs.

The State of Maharashtra
and others

...Respondents

Mr.Kishor Joshi a/w Mr.Laxman Jain i/b Corpslegal
for the applicant

Ms Geeta Shastri, Addl.G.P for the respondent No.1

Ms Kiran Bagalia for respondent No.2

Ms Trupti Puranik for respondent No.4

CORAM : A.S.OKA, &
A.A.SAYED,JJ.

DATE : AUGUST 26, 2016

P.C.:

1 Heard the learned counsel for the applicant. The applicant is the Navjivan Mitramandal Trust. The case made out in the affidavit in support of the Notice of Motion is that there is a hindu cemetery on the land bearing survey no.290 at Village Manori. It is contended that the shed which is a part of the cemetery and the compound wall of the cemetery have been constructed about 20 years back. The prayer in this Notice of Motion is for grant of permission to the applicant to repair the shed and a part of the

compound wall of the said Hindu cemetery .

2 In view of the peculiar facts of the case, the Clause 5 of the order dated 23rd September 2010 will not come in the way of the present applicant making an application to the concerned Planning Authority for grant of permission to carry out repairs to the existing shed and compound wall of the cemetery. If application for grant of necessary permission is made by the applicant to the appropriate Planning Authority, the said application shall be decided in accordance with law without being influenced by clause 5 of the order dated 23rd September 2010.

3 Subject to above directions, Notice of Motion is disposed of.

(A.A.SAYED,J.)

(A.S.OKA,J.)