

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2978 OF 2016

Samarpan Seva Sangh .. Petitioner
Vs.
Municipal Corporation of Greater
Mumbai and ors. .. Respondents

Mr.P.J.Thorat a/w Mr.Joel Carlos, for the Petitioner.
Ms.K.H. Mastakar, for Respondents No. 1 to 3 - BMC.
Mr.Kedar Dighe, AGP for Respondent No.4 - State.

**CORAM : NARESH H. PATIL AND
M.S.KARNIK, JJ.**

02nd DECEMBER, 2016

P.C. :

. The petitioner - Trust challenges the communication made by the Assistant Engineer of 'F' North Ward of the Corporation for shifting 'Hanuman Mandir' in accordance with the directions issued by the Apex Court and the High Court. It is the view of the Corporation - authority that the temple is an unauthorised structure. It is located on footpath. The temple was put in 'B' category in accordance with the policy framed by the State Government in this regard.

2. Learned Counsel appearing for the petitioner, on instructions of Mr.Manish Thakar – a member of the Managing Committee of the petitioner -Trust, submits that Pooja is to be performed in the temple and thereafter, the Managing Committee of the petitioner -Trust itself would shift the idol and remove the said subject structure. Learned Counsel appearing for the petitioner further submits that at this moment, the Corporation - authorities are on the spot for the purpose of removal of unauthorised temple structure in the said area.

3. Learned Counsel appearing for the Corporation placed original record before us. We have perused the same. Learned Counsel for the Corporation submits that the hearing was accorded to the petitioner – Trust and thereafter they reached conclusion to remove the subject structure of temple and shift the idol in accordance with the policy laid down by the State Government.

4. The statement of learned Counsel for the petitioner

is accepted. On behalf of the petitioner – Trust, it is submitted that by Monday i.e. 05/12/2016 by 5.00 p.m., idol will be shifted and the subject structure of the temple will be removed by the Managing Committee members.

5. In case, the petitioner -Trust fails to obey their undertaking given to this Court as above, the Corporation and police authorities are free to proceed in accordance with law.

6. Writ Petition is disposed of.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)