

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Review Application Stamp No. 39187 / 2016
(In Writ Petition No. 10895 of 2015)

District : Aurangabad

Shiva Siddeshwar Pawan Mahadev
Pratishtan,
Through its authorized Member,
Smt. Anita w/o. Uttamrao Chikale,
Age : 43 years,
Occupation : Household,
R/o. Shiva Chowk,
Ramlila Maidan, Bajajnagar,
MIDC, Waluj, Aurangabad. .. Applicant.

versus

1. The State of Maharashtra,
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai - 32.
2. The Collector,
Aurangabad District,
Aurangabad.
3. The Regional Officer,
Maharashtra Industrial
Development Corporation,
Aurangabad.
4. The Municipal Corporation,
Aurangabad. .. Non-applicants.

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*Ms. Pradnya Talekar, Advocate, instructed by
Talekar & Associates, for the applicant.*

*Mr. A.B. Girase, Government Pleader, with
Mr. N.T. Bhagat, Asst. Government Pleader, for
non-applicant nos.01 and 02.*

Mr. S.S. Dande, Advocate, for non-applicant no.03.

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**CORAM : RAVINDRA V. GHUGE &
V.K. JADHAV, JJ.**

DATE : 20TH FEBRUARY 2017

ORAL ORDER :

01. Heard Adv. Ms. Pradnya Talekar appearing for the applicant, learned Government Pleader Mr. A.B. Girase appearing for non-applicant nos.01 and 02, and Adv. Mr. S.S. Dande appearing for non-applicant no.03.

02. This Court while passing its order on 29.10.2015 in Writ Petition No. 10895 of 2015, had issued directions in paragraph 04 which read as under:-

" As per our direction which was issued yesterday, today the respondent - MIDC has placed on record the prima facie evidence to indicate that the structure in question was not in existence prior to 29th September, 2009. On perusal of these documents, we are convinced that the structure came in existence after 29th September, 2009 and hence, we do not intend to protect it. Nonetheless, we would direct respondents to examine the case of the petitioner as to whether the temple has attained the public following, public recognition etc. and whether the petitioner can be given alternate piece of land for construction of new temple as per the prevailing policy of the Government. "

03. Considering the above, the MIDC has addressed letter dated 26.12.2016 to the District

Collector and conveyed that the review applicant has made an application requesting that the Trust be heard and thereafter a decision may be taken in tune with the directions of this Court, in the light of the Government Resolution dated 05.05.2011.

04. Learned Government Pleader submits that the process of hearing the review applicant has commenced and in the light of the directions reproduced above, the review applicant will be heard, the documents presented by the applicant would be scrutinized / examined and a decision would be taken thereafter strictly in terms of the Government Resolution dated 05.05.2011 and the order of this Court dated 29.10.2015.

05. Learned Advocate appearing for the review applicant submits that if the date and time for commencing the hearing is suggested by the learned Government Pleader, the review applicant would withdraw the Review Application since its grievance would be redressed.

06. Learned Government Pleader submits that a hearing would be arranged on 27.02.2017 in the office of the District Collector at 03.00 p.m. and the review applicant would remain present on the said date and time. The District Collector would follow the directions of this Court set out in paragraph 04 reproduced above.

07. It is informed that respondent no.04 is not concerned with this issue.

08. Ms. Talekar, therefore, submits that the date and time of hearing is acceptable and the applicant would address the District Collector on the said date. She, therefore, submits that the Review Application could be disposed of.

09. In the light of the above, this Review Application is disposed of with the following observations :-

(a) The review applicant and respondent no.03 shall remain present before District Collector, Aurangabad, on 27.02.2017 at 03.00 p.m. and shall not seek an adjournment.

(b) The District Collector would hear the review applicant as well as the concerned authorities and after the hearing is complete, the District Collector shall decide the said issue within a period of three weeks and communicate its order to the respective sides expeditiously.

(V.K. Jadhav)
JUDGE

(Ravindra V. Ghuge)
JUDGE

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