

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.32 OF 2017
IN
PUBLIC INTEREST LITIGATION NO.30 OF 2014

Sunil Sudam Khatale-Patil & Ors.] ... Applicants

In the matter between :

Sunil Sudam Khatale-Patil & Ors.] ... Petitioners

Versus

The State of Maharashtra & Ors.] ... Respondents

Mr. Sulip Sen a/w Mr. P. M. Jadhav for Applicants.

Mr. P. G. Sawant, AGP for State.

Mr. S. S. Pakale i/b Mr. A. R. Belge for Respondent No.2.

CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.

DATE :- 4 APRIL 2017

P. C. :-

1. Heard learned Counsel for parties.

2. Apparently, respondent no.2 – Igatpuri Municipal Council seems to have locked the premises where the school is being run by the Zilla Parishad concerned, in the building belonging to the Municipal Council at Village Talegaon, within the limits of Igatpuri Municipal Council.

3. According to the petitioners, the school in question is run up to 7th class and examinations are scheduled from 05/04/2017. Therefore, the entire mechanism of annual examinations, etc. would be out of gear if the property in question is locked and kept under the seal of the Municipal Council. Apparently, the amount of taxes to be paid by the Zilla Parishad seems to be about Rs,19,000/-. Either the occupier or the owner of the building has to pay the municipal taxes. For non-payment of taxes by the occupier, the owner seems to have undertaken an action under challenge. The said issue can be dealt between respondent no.2 – Municipal Council and Zilla Parishad but the children / students who attend the school should not be put to any hardship or inconvenience which come in the way of their academic pursuit. In that view of the matter, we direct the respondent no.2 – Igatpuri Municipal Council to forthwith remove the lock and seal put up on the school premises so as to allow the examinations scheduled from 05/04/2017 to proceed with, without any disturbance. However, if the Municipal Council needs to attach the property belonging to them, they are at liberty to do so without hindrance to the running of school.

4. Civil Application is accordingly disposed of.

5. PIL to come up for hearing as per the adjourned date.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)