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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2001 OF 2017
IN
WRIT PETITION NO.4109 OF 2015

Ganpati Chowk Mitra Mandal through its Vice President	... Applicant
Vs.	
State of Maharashtra, through the P.P. And Ors.	... Respondents

Mr. Abhijit Tikar i/by Mr. Anirban Tripathy for the Applicant.

Mr. Rahul Shivaji Kadam for the Petitioner.

Mr. Manish M. Pabale, AGP for the Respondent Nos.1, 3 to 5.

Mr. Abhijit P. Kulkarni, for the Respondent No.2.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 23rd AUGUST, 2017

PC.

1 Heard the learned counsel appearing for the applicant. The applicant is the sixth respondent in Writ Petition No.4109 of 2015. In view of the restraint order passed by this Court in the main Writ Petition, the applicant by this application is seeking a direction to the second respondent – Pune Municipal Corporation to consider the application for grant of permission made by the applicant to erect a pandal.

2 The learned counsel appearing for the writ petitioner opposed the application on the ground that in breach of order dated 1st September, 2016 in Civil Application (L) No.22675 of 2016, the applicant erected a pandal for Ganapati Festival of last year. He pointed out that a Contempt Petition has been already filed by the writ petitioner pointing out the breaches and pointing out the fact that the pandal was erected by the applicant in the last Ganapati Festival covering the entire lane.

3 The learned AGP on instructions states that the police have examined the location where the applicant wants to erect the pandal and Police have decided not to grant no objection for erecting the pandal. We accept the said statement. Unless there is no objection by the Police, the second respondent cannot grant permission. Therefore, the relief sought in the Civil application cannot be granted. Therefore, it is not necessary for us to go into the contention whether the applicant had committed breaches when permission was granted to the applicant to erect the pandal during last Ganapati Festival.

4 The learned counsel appearing for the applicant submits that applicant may be permitted to erect the pandal at different

location. If the applicant wants to apply for different location, necessary application will have to be made by the applicant to this Court. Moreover, the applicant can apply provided time for filing application before the second respondent is not already over. Subject to what is observed above, the application is rejected.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)