

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10524 OF 2017

Kamal Guha .. Petitioner
vs.
State of Maharashtra and ors. .. Respondents

Mr. Bhavesh Parmar i/b Mr. Demani Shukla for the Petitioner.
Ms Vaishali Nimbalkar, AGP for Respondent Nos.1 and 2.
Mr. Gaurav Mehta & Aastha Arora i/b Khaitan and Co for
Respondent Nos.3 and 4.

CORAM : M. S. SONAK, J.
DATE : 18 SEPTEMBER 2017.

P.C. :-

- 1] Not on board. In view of urgency, taken on production board.
- 2] There is no reason to interfere, in principle, with the impugned order because, the purpose of the impugned order is not to settle or decide the *inter se* rights between the disputing parties. The purpose of the order is to only ensure that Durga Pooja celebrations are held without any impediment or are not hampered on account of disputes between the rival factions.
- 3] Learned counsel for the petitioner, however, is right that the appointment of a Committee, which is to comprise of three Members, nominated by each of the faction may not effectively assist in the achievement of the aforesaid objective. Learned counsel for

the respondent is also very graciously accepts that yet another neutral Member may be appointed, who can be given a vote in case of disagreement between the rival factions.

4] Accordingly, the Assistant Charity Commissioner to nominate some Officer from his office to be a part of this Committee. Such Officer is expected to vote, only in case of a tie and not otherwise, so that the celebrations take place unhampered.

5] With aforesaid clarification and modification, this petition is disposed of.

6] It is further clarified that the impugned order is to operate only for this year and is not intended to operate as some regular feature of all the year. In the meanwhile, it is expected that the Authorities sort out the disputes between the parties by making appropriate orders.

7] All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)