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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 12270 OF 2017**

Nag Chowk Rahivash Sangh & Anr. ... Petitioners  
*Versus*  
Nashik Municipal Corporation & Anr. ... Respondents

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Mr. Roshan S. Tanna, for the Petitioners.  
Mr. M.L. Patil, for Respondent No.1.  
Ms. Nisha Mehra, AGP for the State.

**CORAM: SMT. VASANTI A NAIK AND  
MR. RIYAZ I. CHAGLA, JJ.**  
**DATED: 10TH NOVEMBER 2017**

**PC:-**

Heard. The learned counsel for the petitioner states that the temple which is sought to be demolished by the respondent corporation is more than 150 years old and is not be liable to be demolished in view of the directions of the Supreme Court on the basis of which the State Government has passed the relevant resolutions. It is stated that in any case this Court had, in a bunch of writ petitions bearing writ petition nos.14195 of 2016 and others directed the corporation to grant an opportunity to the petitioners therein and take appropriate steps after dealing with the issue whether the temples are situated in a public place or not. It is stated that the grievance of the petitioners would be redressed if this Court directs the respondent corporation to grant a hearing to the petitioner before demolishing the structure.

In the circumstances of the case, it would not be proper to

permit the respondent corporation to demolish the temple which is allegedly more than 150 years old. On parity, it would be necessary for the corporation to grant hearing to the petitioner and consider whether the temple is situated in a public place and / or is liable to be demolished in terms of the government resolutions. It would be necessary to protect the temple till the corporation takes a decision after hearing the petitioner.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The respondent corporation is directed to grant hearing to the petitioner before deciding the issue pertaining to the demolition of the temple. The petitioner undertakes to appear before the corporation on 21st November 2017, so that issuance of the notice to the petitioners could be dispensed with. The petitioner is entitled to produce additional documents and material in support of the representation tendered by the petitioner. It is needless to mention that the respondent corporation is restrained from taking the action of demolition till the representation of the petitioner is decided. If an adverse decision is rendered, the corporation should not take steps for demolition of the temple without serving a notice on the petitioner. Order accordingly. No costs.

**( RIYAZ I. CHAGLA J. )**

**( SMT. VASANTI A. NAIK, J. )**