

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

**PUBLIC INTEREST LITIGATION NO.2 OF 2017**

(Smt. Rangubai Ramaji Kamdi and others ..vs.. The State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI AND  
ROHIT B. DEO, JJ.**

**DATED : 21-06-2017**

In morning, after hearing learned Advocate Shri N.S. Khandewale for the petitioners, learned Assistant Government Pleader Shri A.V. Palshikar for respondent Nos.1 to 3, learned Advocate Shri A.D. Borkute for respondent No.4, learned Advocate Shri S.D. Chopde for respondent No.5 and learned Advocate Shri M.I. Dhattrak for respondent No.6, we have adjourned the matter to second half.

In second half respective learned Advocates and Assistant Government Pleader for respondent Nos.1 to 3 are present.

In view of disputed issues about title to land on which toilet block was located, it is apparent that that title dispute cannot be resolved in writ jurisdiction. Similarly, respondent No.6 has denied demolition of that block by him or at his instance. Hence, the responsibility for said demolition of toilet block also cannot be fastened

here.

However, fact that toilet block existed since last more than forty years and was being used by women of village Patansawangi, Ward No.5 is not in dispute.

In this situation, we find it necessary to direct respondent Nos.3, 4 and 5 to see that toilet block is reconstructed at same place.

In this peculiar situation, Advocate Shri M.I. Dhatrak for respondent No.6 has fairly given no objection for reconstruction of toilet block at same place without prejudice to defences available to respondent No.6 in the matter.

Learned Advocate Shri S.D. Chopde for respondent No.5 will need no objection from respondent No.3-Collector as land belongs to Government and funds from respondent No.4-Zilla Parishad. Learned Advocate Shri M.I. Dhatrak submit that land does not belong to Government. As already noted supra, we are not going into any disputed question in the present matter.

We, therefore, direct respondent No.3-Collector to issue necessary no objection certificate in favour of respondent No.4 for construction of toilet block at very same place and respondent Nos.4 and 5 shall construct

toilet block at very same place within six months from today.

These directions shall not in any way prejudice the rights and other remedies available to respondent No.6 in this matter.

Similarly, if respondent No.5-Grampanchayat or the petitioners want the costs of construction to be recovered from either respondent no.6 or any other person who has demolished the toilet block, it is open to them to approach appropriate forum for its recovery.

With these directions and keeping rial contentions open, we dispose of public interest litigation. No costs.

**JUDGE**

**JUDGE**

*adgokar*