

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION O. NO.1180/2017
IN
PUBLIC INTEREST LITIGATION NO.45/2017

Court on its own motion

...Versus...

The State of Maharashtra, through its Secretary, Urban Development
Department, Mantralaya, Mumbai – 400 032 and others
Applicant : Dainik Bhaskar, Nagpur through Deputy General Manager

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

Court's or Judge's orders

Shri S.P. Bhandarkar, Advocate as amicus curiae
Shri D.P. Thakare, Addl. G.P. for respondent nos.1 to 5 & 8
Shri S.M. Puranik, Advocate for respondent nos.6 and 7
Shri J.B. Kasat, Advocate for respondent no.6
Shri A.M. Ghare, Advocate for applicant

CORAM : B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.

DATE : 23.08.2017

Heard for some time.

2. Though this application in public interest litigation was not necessary and applicant - Dainik Bhaskar could have directly approached Heritage Committee, in view of very first order dated 27/4/2017, we permit the applicant also to approach Heritage Committee with its request.

3. We hereby clarify that such request can be directly made to Heritage Committee by the concerned applicants, in future.

4. At this stage, Shri Bhandarkar, learned *amicus* points out that as Kasturchand Park is Heritage Grade-I, there cannot be any change of user. We permit him to point out this aspect to Heritage Committee.

5. Advocate Shri Bhandarkar also pointed out that grant of permission is not regulated by uniform procedure.

6. It is apparent that if land situated in the heart of city is to be commercially exploited, the public revenue cannot be made to suffer. This aspect therefore needs to be looked into while considering the permissions sought for.

7. We direct respondent no.4 – Collector to find out how public revenue can be protected while granting such permission, if the applicant's request is accepted by Heritage Committee.

8. The direction contained in paragraph 13 of order dated 2/8/2017 shall also be complied in the meanwhile.

Civil Application stands disposed of.

List the matter on 06/09/2017.

Steno copy of the order is granted.

JUDGE

JUDGE