

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

Civil Application No. 1495 of 2017
in
Public Interest Litigation No. 45/2017
Court on its own motion Vs. State of Maharashtra

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

Court's or Judge's orders

Shri A.M. Ghare, learned Counsel for applicant.
Shri Kasat, learned AGP for the State.

CORAM : B. P. DHARMADHIKARI AND
MRS. SWAPANA JOSHI, JJ

DATED : October 11, 2017

Heard.

2. Applicant Shri Guru Nanak Jayanti Committee is before this Court pointing out that it desires to use Kasturcand Park for religious purpose on 4th November, 2017. Accordingly, they have moved Heritage Committee on 20/09/2017 and also the office of the Collector thereof on 07/09/2017. As they learnt that Heritage Committee is not functioning, present application has been filed seeking intervention of this Court.

3. Learned AGP submits that the tenure of the members of Heritage Committee has expired in the first week of September, 2017 and till new members are appointed committee cannot function. Learned AGP Shri Kasat invited attention to the provisions of clause 13 of the regulations dealing with conservation of heritage buildings, arrtefacts, structures, areas and precincts of historic and / or architectural and / or cultural significance (heritage building and heritage precincts). According to them, the

tenure of six members out of total ten comprising the committee is over and therefore committee cannot function.

4. Perusal of above mentioned Clause 13 reveals that the regulation 13.2.1 empowers the State Government to reappoint members whose tenure has expired. City cannot be without any committee.

5. In this situation, by interim orders, we direct that the officers whose tenure had already expired, shall continue, till they are suitably substituted or the orders otherwise, are issued by the State Government.

6. We direct the State Government to issue necessary orders within eight weeks. However, till then, the members of the Heritage Committee in the office, till first week of September, 2012 to continue in office. The application moved by above mentioned Shri Guru Nanak Jayanti Committee on 20th September, 2017 shall be looked into by the committee as per law within next 15 days.

7. With these directions, we partly allow this civil application. No costs.

8. Steno Copy.

JUDGE

JUDGE