

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.56 OF 2016

**TUSHAR BABASAHEB AUTI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Petitioner : Tungar Nikhilesh K. Ambetkar
Arvind G**

**AGP for Respondents 1 to 8: Mrs.A.V.Gondhalekar
Respondents 9 To 11, 13 To 17 Served.
Respondent no.12 Died**

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**CORAM : PRASANNA B. VARALE &
MANGESH S. PATIL,JJ.**

DATE : 05/12/2018

PER COURT :-

Heard learned counsel for the petitioner.

2] It is submitted by the learned counsel for the petitioner that the cause of the public is represented in the present Public Interest Litigation namely the land belonging to a trust and more particularly respondent no.9 trust i.e. Shri Rokdoba Devastan Trust is taken over by the respondent State authority without applying the provisions of law when the trust activities were still in operation.

3] The notice was issued by this Court on 16/6/2018 to the respondents. In response to the notice, a detail affidavit in reply

is filed on behalf of respondents 3 and 6 through G.P.Danej, Sub Divisional Officer, Shrigonda-Parner, Dist.Ahmednagar. It is stated in the affidavit in reply that the land in Gat no.96 admeasuring 14 Hectares 39 R was Devastan Inam land for deity Rokdoba Devastan. Then there is a reference to an order passed by the Assistant Charity Commissioner dated 15/9/2016 and then it further refers to a report submitted by Tahsildar, Parner dated 15/10/2017 and 10/4/2018. It was brought to the notice of the competent authority that Smt.Subhadra Pol is not residing at Parner nor there is any activity of worship going on in the Devstan. Then it was further reported that the land was kept as a barren land and inspite of various attempts, the address of Smt.Subhadra Pol would not be obtained by the revenue authorities, as such, the information was submitted, then the competent authority i.e. the revenue authority viz. the Collector was left with no choice but to take a further decision in view of the fact that the land is made unutilised, no worship activity is being conducted, as such by taking recourse to the legal provisions, the order was passed by the Government on 21/4/2008.

4] It is then stated in the affidavit in reply that considering the request for land for construction of a Court building and the land which was forfeited, found to be suitable one, certain area of land out of Gat no.96 admeasuring 2 Hectares is allowed to the Hon'ble Principal District Judge for construction of civil Court vide order dated 16/12/2017 bearing No.Revenue/Land 1B/2190/2017.

5] The petitioner in the present P.I.L. prayed for the relief in the nature of directions to appoint Administrator, direction to the Joint Charity Commissioner and Assistant Charity Commissioner to initiate civil and criminal action for transfer of the trust property with an ulterior motive, direction that the trust property be restored to its original position in name of the Devstan, with a further direction that the permission be granted to take up religious functions over the land.

6] In view of the affidavit in reply filed on behalf of the Sub Divisional Officer and in view of the statements made in the affidavit in reply referred by us above, we are of the clear opinion that the Public Interest Litigation is thoroughly meritless and the cause was raised only on assumptions and presumptions. This being the position, the Public interest Litigation is accordingly dismissed and disposed of.

(MANGESH S. PATIL,J.)

(PRASANNA B. VARALE,J.)

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