

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6314 OF 2016
(Popat Gunaji Darade and others Vs. The State of
Maharashtra and others)

Mr. Ajinkya Reddy, Advocate for the petitioners
Mr. K.S. Patil, A.G.P. for the respondent/State

CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.

DATE : 26th NOVEMBER, 2018

ORDER :

The petitioners challenge the notice dated 6th May, 2016, issued to them by the Tahsildar, Akole, Taluka Akole – respondent No.4 for demolition of Maruti Temple, situated at village Samsherpur.

2. Mr. Reddy, learned counsel for the petitioners submits that the procedure as required has not been followed. The respondents are first required to issue public notice in daily newspaper. The categorization of the temples has to be made in categories "A" and "B". The temple in question is in existence at the said place since the year 1931.

3. We have heard the learned A.G.P. The relevant revenue record is placed alongwith the papers of petition.

4. The purpose of issuance of public notice is to bring it to the knowledge of the person/s affected the steps being taken. The petitioners have been issued with the notice dated 6th May, 2016 to the effect that the structure is unauthorized. It appears that the petitioner was not issued any show-cause notice prior to issuance of the impugned notice. However, since now the petitioner is made aware of the steps taken, it is not necessary to issue public notice.

5. Considering the above, we pass the following order.

. The petitioner may consider the impugned notice to be a show-cause notice to him. He may submit reply to the show-cause notice before the Tahsildar, Akole, District Ahmednagar. The Tahsildar, Akole shall consider the reply and the documents filed by the petitioner and thereafter, take decisaon with regard to the writ temple. Till the decision is taken by the

Tahsildar, Akole, no further action shall be taken pursuant to the impugned notice.

6. With the above directions, the Writ Petition is disposed of. No costs.

[R.G. AVACHAT]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

npj/wp6314-2016