

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5689 OF 2016

Smt. Jankabai Maruti Londhe	...Petitioner
Versus	
Sinnar Municipal Council & Ors.	...Respondents

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Mr. Sanjay Kulkarni for the Petitioner.
Mr. Girish R. Agrawal for the Respondent No.1.
Mr. V.S. Gokhale, AGP for the Respondent -State.
Mr. P.D. Dalvi for the Intervenor in Civil Application No.330/2018.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 13th FEBRUARY, 2018.

P.C.:-

Heard Mr. Sanjay Kulkarni, the learned counsel for the Petitioner, Mr. Girish Agrawal, the learned counsel for the Respondent No.1-Sinnar Municipal Council, Mr. V.S. Gokhale, the learned AGP for the Respondent -State and Mr. P.D. Dalvi, the learned counsel for the Intervenor.

2. The Petitioner is seeking directions to the Respondent No.1, Sinnar Municipal Corporation to ensure that subject land in Survey No.1033(1277) situated at Sinnar is not used as a burial ground by any community. It is the case of the Petitioner that land under Survey

No.1033 (1277) is reserved for play ground in the Development Plan of the Respondent No.1-Municipal Council. Her grievance is that this play ground is used as a burial ground by the members of 'Mahanubhav' and 'Gosavi' community.

3. On behalf of the Respondent No.1, Mr. Vyankatesh R. Durvas, Chief Officer of Sinnar Municipal Council has filed affidavit-in-reply dated 20th August, 2016 alongwith copy of the relevant portion of the development plan. In paragraph 4(A) the Chief Officer of the Respondent No.1-Sinnar Municipal Council accepts that land from Gat No.1033 is reserved for play ground. He also made a statement that land Gat No.998 (Old No.1281A) is reserved for burial of Gosavi Samaj people. In paragraph 4(C) of the affidavit averments are made that letter was also issued to the representatives of the Gosavi Samaj people to curb any activities or use the land as a burial ground. In paragraph 4(D) a statement is made that from preliminary enquiry on the complaint dated 30th January, 2016 it is found that Gosavi Samaj people have not used the land reserved for playground as burial ground. In paragraph 4(E), the Respondent No.1 has stated that regular care is taken to ensure that the land reserved for playground is not used for any activity as alleged by the Petitioner.

4. Mr. Dalvi, the learned counsel for the Intervenor also makes a statement that Gosavi Samaj people are not using and do not intend using the land reserved for playground as a burial ground and that they are using the land shown in the map as 'BG' for burial purpose. We accept the statements made by the Respondent No.1 in the affidavit-in-reply and the statement made by the learned counsel Shri Dalvi, on behalf of the intervenors.

5. In the light of above, grievance of the Petitioner no more survives. The Petition is disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)