

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

**CIVIL APPLICATION NO. 1832 OF 2018
IN
WRIT PETITION NO. 4109 OF 2015**

Ganpati Chowk Mitra Mandal ... Applicant

In the matter between

Popatlal Lalchand Navalakha and another ... Petitioners

Versus

The State of Maharashtra and others ... Respondents

**WITH
CIVIL APPLICATION NO. 1955 OF 2018**

Popatlal Lanchand Navlakha and another ... Applicants

Versus

The State of Maharashtra and others ... Respondents

**WITH
CIVIL APPLICATION STAMP NO. 24393 OF 2017**

Ganpati Chowk Mitra Mandal ... Applicant

In the matter between

Popatlal Lalchand Navalakha and another ... Petitioners

Versus

The State of Maharashtra and others ... Respondents

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Mr. I. M. Khairdi for the Applicant in CA No.1932 of 2018.

Mr. Rahul Shivaji Kadam for the Petitioner and for Applicant in CA No. 1955 of 2018.

Mr. Y. S. Khochare, AGP for Respondent Nos. 1, 3 to 5.

Mr. Abhijit Purushottam Kulkarni for Respondent No.2.

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CORAM : A. S. OKA AND M. S. SONAK, JJ.
DATE : 11th SEPTEMBER, 2018.

P. C.:

1. Perused the earlier order dated 6th September, 2018. Thereafter, on the basis of No Objection Certificate (NOC) dated 7th September, 2018 issued by the Inspector of Police of Vishrambaug Transport Division, Pune City, the Pune Municipal Corporation has issued a permission dated 10th September, 2018 to the applicant to erect a stage and an open pandal. The terms and conditions on which the said permission is granted have been incorporated in the order dated 10th September, 2018 passed by the Assistant Commissioner of the Municipal Corporation under Section 234 of the Maharashtra Municipal Corporations Act, 1949.

2. The applicant has filed undertaking of Shri Amit Ramchandra Kathi, which is taken on record and marked "U-1" for identification. Though the permission has been granted to erect an open pandal, the applicant has undertaken not to erect open pandal. In Clause-1 of the undertaking, the applicant has stated that the stage will be erected having dimensions of 12 X 20 ft. as shown in the sketch annexed to the undertaking. The applicant has undertaken to keep remaining width of 12 ft. of the lane open/vacant. It is stated that on

the Northern side of the stage, an area admeasuring 10 ft. will be kept vacant.

3. In view of the contents of the NOC granted by the police and the conditions imposed by the Municipal Corporation and in view of the undertaking, a permission deserves to be granted to the applicant to act upon the permission dated 10th September, 2018 granted by the Assistant Commissioner of the Municipal Corporation, subject to compliance with the undertaking taken on record and marked "U-1". Order accordingly. We accept the undertaking.

4. To ensure that the applicant has abides by the conditions imposed by the Municipal Corporation as well as undertaking given to this Court (marked "U-1" for identification), we direct the Assistant Commissioner of the Municipal Corporation, Pune to visit the stage which may be erected by the applicant on 15th and 17th September, 2018 and to submit a report to this Court. Photographs shall be taken and be annexed to the report.

5. For consideration of the report, the application shall be kept on 19th September, 2018 under the caption "Directions".

(M. S. SONAK, J.)

(A. S. OKA, J.)