

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12459 OF 2017

Om Shiv Shankar Seva Mandal.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. C. G. Gavnekar, Mr. A. C. Gavnekar, Suhas Deokar for the
Petitioner.

Mr. B. B. Sharma for the CIDCO.

Mr. A. I. Patel, AGP for the Respondent-State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 27, 2018.**

P. C. :

1. Heard the learned counsel for the Petitioner and the
learned counsel for the Respondent-CIDCO. The petition is filed for
the following reliefs :

“(a) That by writ of mandamus and/or by
appropriate writ, direction and order, Your Lordship be
pleased to direct Respondent No. 1 to 5 to withdraw the
proposed action of demolition of temple “OM
SHIVSHANKAR MANDIR” situated ON Plot No. 28, Sector
8, Kamothe, Taluka Panvel, District Raigad.

(b) That by writ of mandamus and/or by
appropriate writ, direction and order, Your Lordship be
pleased to direct Respondent No. 1 to 5 to constitute a
committee as provided in Government decision dated
05/05/2011 annexed at Exhibit-"D" hereto and to give the
Petitioner hearing before the said Committee.”

2. On behalf of CIDCO, one Mr. Vishal S. Dhage, the

Controller of Unauthorised Constructions, CIDCO has filed an affidavit dated 19th January 2018. In paragraph 5 and 7 following averments are made :

"5) I say that in pursuant to the orders passed by the Apex Court, the State Government has issued various GRs dated 04.10.2010, 14.3.2011, 05.05.2011 and 18.11.2015. The State Government has constituted the three committees at 3 levels, i.e., State level committee, District level Committee and Municipal Corporation level committee to review the unauthorised religious structures which were already constructed on case to case basis and to take an appropriate decision as expeditiously as possible. I say that in the instant case Panvel Municipal Corporation committee is appointed for review of the religious structures falling in the jurisdiction of the Respondent Corporation.

7) I say that, without prejudice to the contentions raised in the foregoing paras of this affidavit, the case of the Petitioner institution has been referred to the Panvel Municipal Corporation Committee by the Respondent Corporation for its review and for a decision as to the status of the structure as provided under the Government Resolution dated 05.05.2011. I say that the proposal of the Petitioner institution has been sent to the committee on 24.11.2017 and the decision of the committee is awaited."

3. It is clear from the affidavit that Panvel Municipal Corporation committee is constituted in pursuance of the decision of the Apex Court as well as the Government Resolutions and the Petitioner's case is referred to the said committee by the CIDCO. It is for the said committee to take appropriate decision after hearing all concerned. Suffice it to say that decision shall be taken independently on its own merits and in accordance with law and as expeditiously as

possible. Till the decision of said committee comes, both the parties shall maintain status quo as of today.

4. Subject to above, writ petition is disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]