

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12347 OF 2017

Shree Gorakshanath Mandir Trust
and others.

..Petitioners.

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 “SHREE GORAKSHANATH MANDIR” situated at village Vahal, 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 05/005/2011 annexed at Exhibit-“D” hereto and to give the Petitioners hearing before the said Committee.”

2. On behalf of CIDCO, one Mr. Vishal S. Dhage, the Controller of Unauthorised Constructions, CIDCO is present in the Court. Upon taking instructions from him, the learned counsel for the Respondent-CIDCO submitted that in pursuance of the orders passed by the Apex Court, the State Government has issued various Government Resolutions, namely, GRs dated 04.10.2010, 14.3.2011, 05.05.2011 and 18.11.2015. The State Government has constituted 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. He further stated 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.

3. Learned counsel for the Respondent-CIDCO further states that case of the Petitioner 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. He states that proposal of the Petitioner institution has been sent to the committee on 24.11.2017 and the decision of the committee is

awaited.

4. Thus, it is clear 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 such 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. Writ petition stands disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]