

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO.468 OF 2018

IN

WRIT PETITION NO.4895 OF 2015

(RAHULKANT KHANDUJI SINHA...VS..INDIRA YAVAK SHARIRIK SHIKSHAN PRASARAK MANDAL &
OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.C.Chahande, Advocate for Petitioner.
Shri S.K. Bhoyar, Advocate for Respondent No.1.
Shri Abhay Sambre, Advocate for Respondent Nos. 2 & 3.

CORAM : Z.A.HAQ, J.

DATED : JUNE 22, 2018.

1. Heard.

2. By this application, the respondent No.1 has prayed that the order passed by this Court on 22nd January, 2018 be kept in abeyance till disposal of the writ petition and directions regarding removal of the structure of Azad Vyayam Shala and structure of Wrestling Ground on Plot No.3/53 should not be implemented.

3. At the time of hearing, the learned advocate appearing for the respondent No.1 has submitted that if the compound wall is demolished then there will be a threat of encroachment and misuse of the land in question, and the pavers blocks which are affixed on the concerned land will perhaps be removed by miscreants. It is argued that the structure of Aazad Vyayam Shala and Wrestling ground also has to be kept intact till disposal of the petition, otherwise, if

the petition finally fails, then the respondent No.1 would suffer irreparable loss and injury.

4. During arguments, the learned advocate for the respondent No.1 and the learned advocate for the respondent Nos. 2 and 3 have also pointed out that there is a threat of encroachment by some activists on the pretext of performing religious activities.

5. Considering the facts of the case, submissions made by the learned advocates the order dated 22nd January, 2018 is modified on the following terms :

- a) The structure of Azad Vyayam Shala and Wrestling Ground situated on Plot No.3/53 shall be handed over by the respondent No.1 to the Municipal Council within one month.

If the respondent No.1 fails to handover the possession of the above referred structure and wrestling ground to the Municipal Council within one month, the Municipal Council shall take steps after 22nd July, 2018 to demolish the structure.

- b) Front side compound wall on the land in question shall be demolished, maintaining height of one feet above ground level so that pavers blocks are protected. The compound wall on the other three sides of the ground need not be demolished.

- c) It is directed that the ground shall be used only as play ground for children and no other activities shall be permitted on it.

Civil Application is **disposed** with the above directions. No costs.

JUDGE

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