

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

CIVIL APPLICATION O. NO.710/2018
IN
PUBLIC INTEREST LITIGATION NO.13/2010

The Court's on its Own Motion

...Versus...

The State of Maharashtra, through Secretary, Archaeology Department,
Mantralaya, Mumbai – 32 and others

Applicants : The State of Maharashtra through Secretary, Archaeology
Department, Mantralaya, Mumbai – 32 and another

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

Court's or Judge's orders

Shri Anand Jaiswal, Amicus Curiae
Shri D.P. Thakare, Addl. G.P. for respondent nos.1 to 4
Shri M.I. Dhatri, Counsel for respondent no.8

CORAM : B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.

DATE : 11/04/2018

1. Learned Additional Government Pleader points out practical and financial difficulties in making the amount of Rs.2,93,64,681/- available, as earlier promised.
2. Learned *amicus curiae* points out that on 22/3/2018 in the light of earlier orders passed by this Court and assurance recorded therein a direction to make the funds available in this financial year is already given. He also points out need of adhering thereto.
3. According to him, after rains start the execution of work may be required to be postponed beyond rainy season. He

states that even now funds can be made available so that before onset of monsoon, work can be completed.

4. Arguments of learned *amicus curiae* show urgency and accepting the same this Court has on 22/3/2018 and even before that on 31/1/2018 passed orders. Government then has also shown its readiness and willingness.

5. Reason being pressed into service by Government today is not urged to be incorrect or false.

6. In this situation, as difficulty appears to be genuine, though we extend time, we direct Government to show its *bona fides* by making the funds or part thereof available within next two weeks so that ongoing work is not hampered and if any protective measures are to be adopted before rainy season those measures can be adopted.

7. With these observations and directions, we partly allow the civil application. No costs.

JUDGE

JUDGE

Wadkar