

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION [STAMP] NO.5389 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.107 OF 2013**

The Commissioner,
Aurangabad Municipal Corporation,
Aurangabad ..Applicant

Vs.

Dr. Salim Ali Lake Conservation
Forum, Aurangabad,
through its Co-ordinator
Arvind s/o. Keshav Pujari
and ors. ..Respondents

Mr. Rajendra Deshmukh, Advocate for applicant

Mr. A.B.Girase, Govt. Pleader for respondent no.3

Mr. S.B.Deshpande, A.S.G.I. for respondent no.4

**CORAM : S.S. SHINDE AND
R.G. AVACHAT, JJ.
DATE : FEBRUARY 14, 2019**

PER COURT

Not on board. On mentioning, taken on board.

2. Subject to completion of usual formalities,
office to register this Civil Application.

3. Mr.Deshmukh, learned Counsel for the applicant, submits that this Court vide order dated 07.02.2019, directed the Commissioner, Municipal Corporation, Aurangabad, to attend the Court proceeding in Public Interest Litigation No.107 of 2013 on 15.02.2019. He, however, submits that on 15.02.2019, date for hearing is fixed in an appeal under Section 38H(7) of the Wild Life (Protection) Act, 1972, before the appellate Authority at New Delhi. Learned Counsel for the applicant, therefore, prays that appearance of the Commissioner may be exempted for 15.02.2019.

4. We are convinced with the reason assigned in the application. Therefore, we grant exemption to the Commissioner from attending the Court proceedings in this Court on 15.02.2019.

5. Learned Counsel for the applicant further submits that the Commissioner is ready to attend the

Court proceedings in the aforesaid P.I.L. before this Court on 01.03.2019.

6. In the meanwhile, it will be open for the Commissioner to comply with the directions contained in the order dated 08.01.2014 passed by the Division Bench of this Court (Coram : S.C.Dharmadhikari and Ravindra V. Ghuge, JJ.).

7. This Civil Application is allowed and disposed of.

8. List the Public Interest Litigation on 01.03.2019 at 03.30 p.m.

[R.G. AVACHAT, J.]

[S.S. SHINDE, J.]

kbp