

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

901 CIVIL APPLICATION NO.6971 OF 2019
IN RAST/17204/2019

THE STATE OF MAHARASHTRA,
THROUGH THE DIRECTOR OF ARCHAEOLOGY AND ANOTHER
VERSUS
SHAHID ASLAM S/O GULAM AHMED

...
AGP for Applicants : Mr. Swapnil Joshi.
Advocate for Respondent : Mrs. Roopa Daxini.
...

CORAM : **T. V. NALAWADE &**
SMT. VIBHA KANKANWADI, JJ.

DATE : 25th June, 2019.

PER COURT:

. The application is filed for condonation of delay of 201 days caused in filing the review application in respect of decision given by this Court in Public Interest Litigation No.29 of 2015.

2 Heard the learned AGP on delay condonation application.

3 For delay condonation, this Court is expected to consider as to whether any sufficient cause is shown and this Court is expected to consider as to whether there is some arguable case in review application. The learned AGP is seeking review of three directions

given by this Court, which are as under:

- "(III) The State Government is hereby directed to use Regulations made by the Central Government under Central Act for protection and preservation of ancient monuments involved in the present matter till separate regulations are prepared by the State Government in that regard.
- (IV) The State Government is hereby directed to consider as to whether in the interest of people of this region and for protection and proper maintenance of the ancient monuments, structure, they are declared as monuments of national importance and for that the State Government may make proposal to the Central Government.
- (V) The State Government is to make available funds for protection and preservation of ancient monuments declared under the State Act. The State Government needs to create proper access, roads leading to the monuments. This is to be done within four months from date of the order."

4 The matter was finally heard by this Court on 18th September, 2018 and it was reserved for judgment. Only after considering the State Legislation and Central Legislation, this Court decided the matter. This Court had kept in mind the cultural heritage

of this area, prospects of development of this area by using culture and monuments and present state of affairs. Only from that angle and considering the power of the State, this Court gave aforesaid directions. The submissions made show that on one hand the State filed application for extension of time in the month of February 2019 and on the other hand the State is seeking review of the aforesaid three directions. The learned AGP submits that such directions could not have been given as the State has no power to take such steps in that regard. This Court has already given such directions and it was open to the State to challenge the decision, but instead of doing that the State is playing delaying tactics and the present matter is nothing but delaying tactics of the State. It is unfortunate that the State is not thinking about the interest of the people of this region and about culture of this region. The intention appears to be otherwise. This Court holds that on both the counts, condonation of delay by showing sufficient cause and on the point of having some arguable case in revision application the State has failed. The application stands rejected.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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