

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

WRIT PETITION NO.10979 OF 2018

Ajay s/o Vijay Suryawanshi ...PETITIONER

VERSUS

The Union of India & ors. ...RESPONDENTS

.....
Shri V.P. Latange, Advocate for petitioner
Shri S.B. Deshpande, Assistant Solicitor General for R.No.1 to 3
Mrs. A.V. Gondhalekar, A.G.P. for respondents No.4, 5, 8 & 9
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**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATED : 17th January, 2019

ORAL ORDER :

1. The petitioner challenges the order dated 4.3.2009, allotting 6 acres defence land to the Government of Maharashtra for construction of Deputy Regional Transport Office at Ahmednagar.

2. We have heard Mr. Latange, learned Advocate for the petitioner. The learned Advocate submits that, the petitioner is a resident of Ahmednagar. The land of the defence is an open space. It is used as a playground. Open spaces and playgrounds are the

lungs of the city. The defence is now allotting the land to the Deputy Regional Transport Office at Ahmednagar. The same is illegal. The playground is necessary for the future of all the players who have their career in various Sports and are using the writ site as a playground. The playground is situated at respondent No.6 College and is the only playground where the sports events are organized by the authority of the Ahmednagar city and the National and District level competitions are organised.

3. Mr. Deshpande, the learned Assistant Solicitor General accepts notice for respondents No.1, 2 and 3. Learned A.G.P. accepts notice for respondents No.4, 5, 8 and 9.

4. Writ Petition bearing No.3647/2012 is filed by respondent No.6 before this Court, precisely challenging the order dated 4.3.2009, allotting the land to the State of Maharashtra for the purpose of Deputy Regional Transport Office. In the said Writ Petition, it appears that, no interim orders are passed in favour of respondent No.6. Upon a query made as to whether the petitioner is in any way concerned with respondent No.6 herein, Mr. Latange, the learned counsel, on instructions of the petitioner, informs that the petitioner was earlier member of the respondent No.6 Society, but subsequently, the management has been transferred and he is not

concerned with the transferred management - the management that is now looking after the respondent No.6 Society. Be that as it may.

5. The dispute as it appears, is between respondent No.6 and respondents No.1 to 5. The said writ petition is pending since the year 2012. The petition does not give details as to why the order of 2009 is not challenged for all these years. The petition does not appear to be bonafide one. The respondent No.6 herein has already filed the petition in the year 2012, challenging the said order. No relief is granted in the said petition and now the petitioner, who was erstwhile member of respondent No.6 Society, is filing the present petition assailing the same order assailed by respondent No.6 in the earlier Writ Petition of the year 2012. The petition is not bonafide. So also, challenge to the order assailed in the present petition is already subjudice before this Court in Writ Petition No.3647/2012.

6. In light of all aforesaid facts, the present petition is dismissed.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

fmp/