

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 12371 of 2019

Datta MandirPetitioner.

Vs

The Nashik Municipal Corpn. & Ors.Respondents.

Mr. R.S. Tanna, Advocate for the Petitioner.

Ms. A.A. Purav, AGP for Respondent-State.

Mr. M.L. Patil for Respondent No.1.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATED :- 5th DECEMBER, 2019.

P.C. :-

1. The petitioner in the above Writ Petition has prayed for the following reliefs :-

“(b) this Court be further pleased to issue a Writ of Mandamus and/or any other writ/order/direction in the nature of Mandamus, thereby directing Respondent No.1 to delete/remove the name of the Petitioner’s temple shown at Serial No. 119 in the list of the Class-B category in the public notice published in the local newspaper

“Deshdoot” dated 4th March, 2019 and further, to classify the Petitioner’s temple in the list of the Class “A” category in the light of the Government Resolution dated 5th May, 2011;

- (c) this Court be further pleased to issue a Writ of Mandamus and/or any other writ/order/direction in the nature of Mandamus, thereby directing Respondent No.1 to decide the regularization proposals dated 16th October 2018 and 9th March 2019 of the Petitioner, which are pending, and the same be done after seeking police report and opinion of the Planning Authority as per the parameters laid down for the Class “A” category mentioned in the Government Resolution dated 5th May 2011.”

2. The learned Advocate appearing on behalf of the Municipal Corporation states that hearing is given to the petitioner and the Corporation is awaiting the order of the Committee which was appointed under the Government Resolution dated 5th May, 2011. Consequently, the impugned structure will not be demolished until the Committee takes a decision and conveys its order to the petitioner. It is also clarified that if the order is against the petitioner, the same shall not be implemented for a period of two weeks from the date of the same being served on the petitioner. The Writ Petition is accordingly disposed of.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)