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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.189 OF 2015

Nilsh S. Goud	...Petitioner
V/s.	
State of Maharashtra & Ors.	...Respondents

Mr.Prasad Kulkarni for the Petitioner.

Mr.M.M. Pabale, A.G.P. for the State - Respondent.

CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.
DATE : 3RD MAY, 2019.

P.C. :-

1. It is unfortunate that for a writ petition filed in the year 2015 resulting in notice be issued to the respondents on 23rd October, 2016 and service effected, till date counter affidavit has not been filed by the respondents.

2. We are left with no option but to treat the averments made in the public interest litigation to be correct on account of non-traverse thereof.

3. Filed in public interest and referring to an allotment order dated 9th November, 1983 annexed as Annexure "A" to the public

interest litigation, it is pleaded that the land referred to in the letter was allotted by the State Government through the Collector, District Pune to the Municipal Corporation, Pune with a direction that within six months the Corporation shall construct cattle sheds on the land allotted, failing which the land was shall revert to the Government. It is pleaded that within six months time granted by the Collector, the Corporation did not erect cattle shed on the land and in the year 2012 passed a resolution to set up an incinerator on a part of the land. The said decision of the Corporation has been annexed as Annexure "E" to the public interest litigation.

4. On aforesaid noted pleadings, prayer made in the public interest petition is to direct the State Authorities to take back possession of the subject land for the reason the Pune Municipal Corporation has failed to comply with the condition of allotment incorporated in the letter of allotment annexed as Annexure "A".

5. In view of the fact that the petitioner has made good the pleadings in the petition with reference to the documents, source whereof is the State Government, we dispose of the petition directing the Collector, District Pune to treat the petition as a representation to him and after hearing the Pune Municipal Corporation, pass necessary orders. If the Collector finds that the condition of the allotment has been breached, he shall pass necessary directions.

Compliance shall be made by the Collector within three months from today.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)