

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11157 OF 2015

Mr. Baban Maruti Dagade

...Petitioner.

vs.

The Collector, Pune and ors.

...Respondents.

Mr. S.B.Shetye for the Petitioner.

Mr. A.I.Patel, Additional G.P. for Respondent Nos. 1 and 2-State.

**CORAM : R.M.BORDE AND V.L. ACHLIYA, JJ.
DATE : 11th February, 2019**

PC :

1. The petitioner is praying for issuance of the directions to respondent Nos. 1 and 2 to cancel the orders dated 7.2.2002 and 31.3.2005 of allotment of land bearing Survey No.23/1A admeasuring about 6-Acres in favour of respondent No.4 for non compliance of the terms and conditions mentioned in the order. The petitioner has also requested this Court to issue directions to respondent Nos. 1 and 2 to allot the said land in favour of the petitioner.
2. It appears that the land has been allotted by the State Government for setting up Raja Dinkar Kelkar Museum, at Pune. An affidavit in reply has

been presented by the Collector stating that late Shri. Dinkar Gangadhar Kelkar founder of the Raja Dinkar Kelkar Museum, Pune has established Raja Dinkar Kelkar Museum to commemorate his deceased son Raja Dinkar Kelkar who passed away at the age of 10 years. In an around 1962, the State Government started providing funds only as grant-in-aid to help the Raja Dinkar Kelkar Museum to meet its maintenance expenses. Shri. Kelkar agreed to donate his entire personal collection of artifacts to the Government of Maharashtra on certain terms and conditions and taking note of the single handed efforts and the investment made by Shri. Kelkar in collecting articles and maintenance thereof, as it is private collection, as well as its unique nature and historical importance, the Government of Maharashtra in turn offered to undertake the responsibility of maintenance of the museum activities. It is further recorded in the affidavit that, on 12.4.1975, the Government of Maharashtra entered into an agreement with Shri. D.G.Kelkar by which Shri. Kelkar handed over his private collection as a conditional gift to the Government of Maharashtra on certain terms and conditions incorporated in the agreement. The function of management of the museum vests in the autonomous body called the Board of Management and the said

board is looking after the management of the museum.

3. So far as the plot of land allotted for the museum and its utilization is concerned, a separate affidavit is filed by the Collector, Pune. In the said affidavit, it is recorded that the construction of boundary wall admeasuring 290 meters has been completed and the balance construction of about 220 meters remained to be completed and the museum is being maintained properly by the Board of Management.

4. So far as the petitioner is concerned, he does not have any entitlement in law to claim the plot which has already been allotted and put in possession of museum. The petitioner does not appear to be interested in ensuring the proper maintenance of the museum and claims allotment of the plot in his favour. There is absolutely no merit in the petition and the same deserves to be dismissed and the same is accordingly dismissed.

(V.L. ACHLIYA, J.)

(R.M. BORDE, J.)