

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

PUBLIC INTEREST LITIGATION NO. 106 OF 2013

Shri. Dadasaheb Sukhdev Kate and Anr.	}	Petitioners
versus		
The State of Maharashtra and Ors.	}	Respondents

Mr.Rahul S. Kate for the petitioner.

Mr.V.M.Mali-AGP for State.

Mr.S.R.Nargolkar for respondent no.2.

Mr.Abhijit P. Kulkarni for respondent no.4.

**CORAM :- S. C. DHARMADHIKARI &
R. I. CHAGLA, JJ.**

DATED :- JANUARY 22, 2020

P.C. :-

1. The petitioners say that the second respondent has encroached upon and taken over a plot of land, namely, Gat Nos.185-186 for its own purpose.

2. The argument is that this was an open space and earmarked for community use. That could not have been taken over in the manner done by the second respondent.

3. An affidavit has been affirmed on 21st June, 2019 by the Chief Officer of the fourth respondent-Baramati Municipal Council. In this affidavit, he has pointed out that now the Village Panchayat

Jalochi (the erstwhile village within whose limits the subject land is situated) has been included within the limits of Baramati Municipal Council. After the necessary area and record correction, the Chief Officer informs that the Gram Sabha of the third respondent (the village panchayat) had unanimously resolved to handover this plot to the second respondent. That is a philanthropic and charitable institution. Thereafter, there was an agreement with the panchayat and the successor council has done nothing, but to honour the commitment in terms of this agreement. The commitment has resulted in the Municipal Council earning for the public a substantial portion of land. The total area is 7755.08 square meters and the construction is only on 762.59 square meters. That is a permissible coverage. The rest of the plot of land is open to sky and is available for use by the residents of the area and the Municipal Council.

4. Once all these statements are made on oath and accepted as undertakings given to this court, the PIL has served its purpose. The PIL has ensured that the entire space meant for use by the public or community at large is not taken over. It is, therefore, disposed of.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)