

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

WRIT PETITION NO. 7204 OF 2020

Rahamaniya Talimi Society,
Through its Secretary
Shri Farooq Ahmed Abdul Kadar Deshmukh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. R. N. Dhorde, Senior Advocate i/by Mr. V. D. Gunale, Advocate for
the Petitioner.
Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 to 3.
Mr. Abhijit S. More, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 20th October, 2021.

PER COURT:-

. Mr. Dhorde, the learned senior counsel for the petitioner submits that the proposal was submitted in the year 2013 for opening and starting a new Arts, Commerce and Science College at Village Kasar Sirsi, Taluka Nilanga, District Latur. The same was not considered and the proposal was kept pending. The petitioner filed Writ Petition No. 10671 of 2015. This Court under order dated 04.05.2016 disposed of the writ petition directing respondent No. 1 therein to decide the proposal on or before 20.06.2016. It appears that, subsequently the Government issued letter of intent to the petitioner in the year 2019

and subsequently final permission is denied on the ground that the petitioner failed to produce the proof regarding construction of building and only photo is annexed.

2. The learned senior counsel further submits that the said requirement was pursuant to the Government Resolution dated 15.09.2017, whereas, the petitioner's proposal was of the year 2013. Under the Maharashtra Village Panchayats Act, in the year 2013 it was only the Grampanchayat that was competent to issue the construction permission. The amendment has been made in the year 2014 where, powers are given to the Collector to issue the construction permission. The same has to be as per the plan. The same was not the requirement in the year 2013, when the petitioner was given construction permission by the Grampanchayat. The documents are placed on record.

3. The learned A.G.P. submits that let the petitioner apply along with others whenever notice would be issued. The petitioner did not file the documents with the proposal which are now sought to be submitted along with affidavit.

4. Mr. More, learned counsel for the University submits that for this academic year also the said location is in the master plan.

5. It appears that, the Government was required to consider the construction permission as was according to the law in force in the year 2013 when the construction permission was granted by the Grampanchayat.

6. Considering that the proposal is of the year 2013, this Court passed an order in the year 2016 and the letter of intent was issued in the year 2019, much time has passed through, the respondent No. 1 shall consider the proposal of the petitioner for grant of final permission on its own merits. The petitioner shall produce the relevant documents within a period of fifteen (15) days from today and thereafter the respondent shall take decision within a period of one (01) month.

7. The petitioner may point out the judgment of this Court at the principal seat at Bombay in Writ Petition No. 795 of 2020. Of course, the proposal can be considered for the academic year 2022-2023 only.

8. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.