

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

PUBLIC INTEREST LITIGATION NO. 128 OF 2013

Basavraj s/o Shivaling Jibkate & another Petitioners

Versus

The State of Maharashtra & others Respondents

Mr. M.B. Bharaswadkar, advocate for the petitioners.
Mr. D.R. Kale, Government Pleader for the respondent no.1.
Mr. S.G. Chapalgaonkar, advocate for the respondents 2 & 3.

**CORAM : DIPANKAR DATTA, CJ &
RAVINDRA V. GHUGE, J.**

DATE : JANUARY 22, 2021

PC :

1. This Public Interest Litigation Petition was instituted in 2013 seeking direction on the respondents not to use the Garware Stadium premises for activities other than sports and not to rent the Garware Stadium premises for private and public functions, as well as for quashing Resolution No.642 of 2012 of the Municipal Corporation, Aurangabad, specifying the rent for non-sports programmes at the Garware Stadium premises.

2. In deference to orders passed by this Court on this Public Interest Litigation petition from time to time it has been ensured that the playing arena forming part of the Garware Stadium premises are not used for non-sports activities. A civil application was filed by the Municipal Corporation seeking permission to use the barren land within the Garware Stadium

premises for non- sports activities. By an order dated 20th January, 2021, we had called upon the Municipal Corporation to make its stand clear *qua* the photograph at page 25 of the PIL petition by indicating which portion(s) it proposes to utilize for purposes other than sports activities.

3. An affidavit dated 21st January, 2021 of the Assistant Commissioner (In-Charge HOD Sports), Municipal Corporation, Aurangabad, has been filed. To such affidavit is annexed a lay out plan of the Garware Stadium premises and Aurangabad Kalagram, marked “R-1” for identification. Referring to the portion marked in orange (parking and other activities), Mr. Chapalgaonkar, learned advocate for the Municipal Corporation, submits that other than such portion, non-sports activities shall not be allowed in any other part of the Garware Stadium premises and that the order of injunction passed earlier may be suitably modified.

4. Mr. Bharaswadkar, learned advocate appearing for the petitioners, however, complains that there is inadequacy of parking space and that the Municipal Corporation must suggest ways and means as to how vehicles entering the Garware Stadium premises would be accommodated.

5. The main purpose for which the PIL petition was instituted has been served since the Municipal Corporation has accepted that the playing arena would not be touched for non-

sports activities. We make it clear that should there be any departure from the stand taken in the affidavit by the Municipal Corporation, the petitioners shall be at liberty to invite the attention of this Court to such departure and seek appropriate relief. We, however, permit the Municipal Corporation to utilize the area in the said lay out plan, marked in orange, for activities other than sports including as parking area. We also make it clear that the Municipal Corporation shall, at all times, maintain the playing arena in good condition together with the other areas marked in the lay out plan for sports activities. Needless to observe, the walking area around the playing arena shall also be maintained in proper condition.

6. We do not think that the contention raised today by Mr. Bharaswadkar would require any direction from the Court. Where and how vehicles entering the Garware Stadium premises would be parked is not a concern expressed in this PIL petition. Even otherwise, parking of vehicles is a matter for the Municipal Corporation to look into and to adopt appropriate decision in that regard.

7. Accordingly, the PIL petition stands disposed of. There shall be no order as to costs. Pending civil applications do not survive and stand disposed of.