

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5296 OF 2021

Swayambhu Shri Vitthal Rukmini Devasthan, Dhapewada, Distt. Nagpur,
..VS..
Union of India and Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P. R. Puri, Advocate for petitioner.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 15.12.2021

1. Heard.
2. The grievance of the petitioner-Trust as presented to us by Shri Puri, learned counsel of the Trust, is that in-spite of sanction of fund of Rs.858.46 Lakhs for development of the Vitthal Rukmini Devasthan at Dhapewada, Bhakt Niwas, the Bhakt Niwas, for the use of the devotees is proposed to be constructed at a place which belongs to some different trust, which is not proper. According to him, Bhakt Niwas ought to be constructed within the precincts of the land owned by the Trust. However, as we see from the record that the information received by the petitioner is not based upon any authentic source. On the contrary, the petitioner admits that the source of information is some talk which is doing round in Dhapewada town, and that means it is on the basis of the hearsay information that this petition has been filed. Then, it also appears that the trust has

available with it vacant land which is no more than 360.60 Sq.Mtrs. This much of the land available with the Trust considering the huge number of devotees visiting temple in own estimate of the petitioner, would not be sufficient to make construction of Bhakt Niwas. If, within such small premises a big building like Bhakt Niwas comes up, it is bound to lead to congestion and cause hardship and great inconvenience to the devotees. In such circumstances, the petitioner trust has to take a rational decision, which could be of offering some other land of sufficient area and suitable location. The petitioner-Trust is also at liberty to approach the competent Authority with such a request.

3. Accordingly, granting liberty to the petitioner-Trust to approach the competent Authority for raising its grievance in concrete form, we **dispose of** this petition keeping all questions open.

4. We also grant liberty to the petitioner to file a fresh petition, on the ground of change in circumstances, provided the information which may be gathered by it is authentic, specific and reliable and has the tendency of causing injustice.

JUDGE

JUDGE