

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5454 OF 2022**

Baburao Venkatrao Badgire and Ors. ..Petitioners

Versus

The State of Maharashtra and Ors. ..Respondents

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Mr. Anand V. Indrale Patil, Advocate for the
Petitioners.

Mr. S. G. Sangle, AGP for Respondents-State.

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**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATED : 21st JULY, 2022.

PER COURT:-

1. The petitioners have put forth prayer
Clauses (B) and (C), which read as under:-

“B. By issuing Writ of Mandamus or any other appropriate Writ, order or directions the respondents particularly respondent No.3 Municipal Council be restrained from using the open space available in land Survey No.286/A i.e. Yerme Nagar, which is reserved for Girls School as Cremation Land and for that purpose necessary directions be issued.

C. Pending the admission, hearing and final disposal of this writ petition the respondents particularly respondent No.3 Municipal Council the restrained from the

using the open space available in land Survey No.286/A i.e. Yerme Nagar, which is reserved for Girls School as Cremation Land and for that purpose necessary directions be issued."

2. The petitioners are individuals residing in a particular colony. They desire that the Municipal Council should be restrained from using open space in land Survey No.286/A i.e. Yerme Nagar, which is reserved for Girls School, as a Cremation land. A representation has been made to the District Collector on 19.01.2019. Till today the land is being used as a Cremation ground.

3. Considering the above, issuing a Writ of Mandamus without the petitioners having approached the Municipal Council and without having the knowledge, as to whether the Municipal Council has changed its reservation plan, would be futile. It will be advantageous that the petitioners approach the Municipal Council, so as to seek specific response to their grievances.

4. In view of the above, this petition is disposed off with liberty to the petitioners to

address a representation directly to the Chief Officer, Municipal Council, Udgir, as expeditiously as possible and preferably on or before 30.07.2022. Once such representation is received by the Chief Officer, he would consider the records, cause an enquiry in the matter and convey a response in writing to the petitioners to make them aware as to what is the decision of the Municipal Council, on or before 30.08.2022.

5. In the event of an adverse response by the Municipal Council, the petitioners are at liberty to avail of the Civil remedies as are permissible by approaching the appropriate Civil Court.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE