

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2609 OF 2023**

KAI BAPUSAHEB PUNDALIK KALU PATIL BAHU
UDDESHIYA SHIKSHAN SANSTHA THROUGH ITS
CHAIRMAN ..PETITIONER

VERSUS

BHADGAON MUNICIPAL COUNCIL THROUGH ITS CHIEF
OFFICER AND ANOTHER ..RESPONDENTS

...

Mr. Rahul S. Paware, Advocate for the Petitioner.
Mr. S. G. Sangle, AGP for Respondents-State.

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 06th MARCH, 2023.**

P.C:-

1. We have heard Mr. Pawar, learned counsel appearing for the petitioner at length. The contention is that the petitioner-Institute is using the open space in front of its school for the purpose of recreational activities of the students. The respondent-Municipal Council has already resolved to keep 10% of the existing space as a open one considering the interest of the students.

2. According to him, in spite of the above, the respondent-Municipal Council is continuing with its activities of fencing the entire ground, which will jeopardize the interest of the students of the petitioner-Institute.

3. Mr. Sangle, learned A.G.P. waives for the respondent-State.

4. Considering the nature of the relief claimed, we are of the view that in absence of any legal right, the only option left with the petitioner is to approach the respondent-Municipal Council with its request to redress the grievance made in the petition.

5. In case, if any representation is made within a period of one week from today, we direct the respondent-Municipal Council to take decision on the same expeditiously and in any case within a period of four weeks from the date of representation.

6. Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE