

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.169 OF 2022

Shantanu Vilas Nandgude

: Petitioner.

Vs.

The State of Maharashtra and ors.

: Respondents.

Mr. Shriram S. Kulkarni i/by Ms. Vrushali V Kabare for the
Petitioner.

Mr. P. P. Kakade, GP a/w Mr. B. V. Samant, AGP for Respondent
Nos. 1 to 3 – State.

Mr. G H Keluskar for Respondent Nos. 4 and 5.

Mr. Shon Gadgil a/w Mr. Hrishikesh Awhad i/by Mr. Aditya P
Shirke for Respondent No.6.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 09th AUGUST, 2023

P.C. :

Heard Mr. Kulkarni, the learned counsel representing
the Petitioner, Mr. Samant, the learned AGP representing the
Respondents-State, Mr. Keluskar, the learned counsel
representing Respondents - the Pimpri Chinchwad Municipal
Corporation, Pune and Mr. Gadgil, the learned counsel
representing Respondent No. 6 – the Chinchwad Devasthan
Trust.

2. The subject matter of this PIL pertains to some alleged illegal construction of the drainage/sewage line inside the temple premises of Shri. Morya Gosavi Samadhi Mandir and allegedly connecting the same to the Pavna River for discharge.

3. After filing of this Petition, a Notice/Letter dated 14th May 2021 was issued by the appropriate authority of the Pimpari Chinchwad Municipal Corporation requiring the Trustees of Chinchwad Devasthan Trust, to immediately connect the said sewage/drainage line to the main sewage line of the Municipal Corporation or to build a septic tank at the said place so that the drainage water does not go into Pavana river, and possibility of getting river polluted is reduced, failing which an action would be taken by the Municipal Corporation.

4. Our attention has also been drawn to the Notice/Letter dated 20th February 2019 issued to the Trustees of Moraya Gosavi Devasthan, Chinchwad Village, Pune by the Assistant Director, Department of Archaeology, Pune whereby the Trustees on the complaint of the Petitioner have been required to ensure that the Morya Gosavi (Ganapati) Samadhi Mandir should be planned in a proper manner and no inconvenience should be caused to the devotees. The said Notice/Letter dated 20th February 2019 further observes and requires the Trustees that the sanctity of the temple will be maintained and that the environment will not be harmed.

5. Despite the aforesaid Notices/Letters dated 14th May 2021 and 20th February 2019, it has been stated by the learned counsel representing the Petitioner that the Trust constructed the sewage/drainage line and the said sewage/drainage line has not been removed.

6. The learned counsel representing the Municipal Corporation though admitted that Notice/Letter to connect the sewage/drainage line to the main sewage line of the Municipal Corporation was issued to the Trustees on 14th May 2021, however, as per the learned counsel representing the Petitioner, the instructions issued in the said Notice/Letter have not been yet complied with.

7. The Notice/Letter dated 20th February 2021 issued to the Trustees by the Assistant Director, Department of Archaeology, Pune is also not disputed.

8. However, the learned counsel representing Respondent No.6 – Trust submitted that there is no unauthorized construction. The learned counsel, however, denies existence of any independent sewage line of the Municipal Corporation.

9. Be that as it may, having regard to the overall facts and circumstances of the case, this Petition is finally disposed of

with the directions to the competent authority of the Municipal Corporation to conduct a spot inspection of the temple and/or around the temple premises in the presence of the representatives of the Trust as also the Petitioner and prepare a report. If in such inspection the Municipal Corporation finds any irregularities existing in the temple and/or around the temple, it shall accordingly take steps to remove such irregularities on issuing appropriate directions to all concerned including the Trustees. We also direct that in case any such instructions are issued by the Municipal Corporation, the same shall be complied with, failing with it will be open to the Municipal Corporation to take all possible measures and/or coercive measures. The entire exercise under this order shall be completed by the Municipal Corporation within a period of three months from the date on which this Order is uploaded.

10. In view of disposal of the Petition, the Interim Application, if any, is also disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)