

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1568 of 2023

Padua High School Through its Trustee and ...Petitioner
Manager Father Francis Martiz
Versus
State of Maharashtra Through its Public Work ...Respondents
Department & Ors

Mr Ankur Shah, *with Akshay B Udeshi, for the Petitioner.*
Mr Sagar Patil, *for the Respondent-MCGM.*
Mr SB Gore, AGP, *with MA Sayed, AGP for the Respondent-State.*
Mr PG Lad, *with Sayli Apte, for the Respondent-MHADA.*
Mr Suresh Kadam, *Deputy Engineer, Slum Division-MHADA, is*
present.

CORAM G. S. Patel &
Neela Gokhale, JJ.
DATED: 9th June 2023

PC:-

1. Mr Lad has taken instructions. He states that the open plot in question which the school is using via the service road to access the school is government land and MHADA has been asked to erect a compound wall to prevent encroachments. It has done so. He indicates that there is a gate on one side which is shown on the sketch plan tendered to us. This sketch plan is taken on record and marked as “X” for identification with today’s date. A scan is annexed to this order with today’s date.

2. The Petition can, we believe, be disposed of by permitting the school (which includes staff, teachers and students) to access the school via the gate (the one shown in a handwritten endorsement on the attached scan). This arrangement obviously has to continue until the State Government or the Planning Authority, namely Municipal Corporation of Greater Mumbai makes some arrangements for reasonable, proper, safe and adequate access to the school itself.

3. We note this because the other access road, i.e. Church Road, is on Collector's land and is fully encroached. It is for the State Government to take the necessary steps to clear those encroachments and to free the road.

4. It is pointed out that there is a church behind the school. It goes without saying that those visiting the church, especially on Sundays, will also be at liberty to use the gate as well.

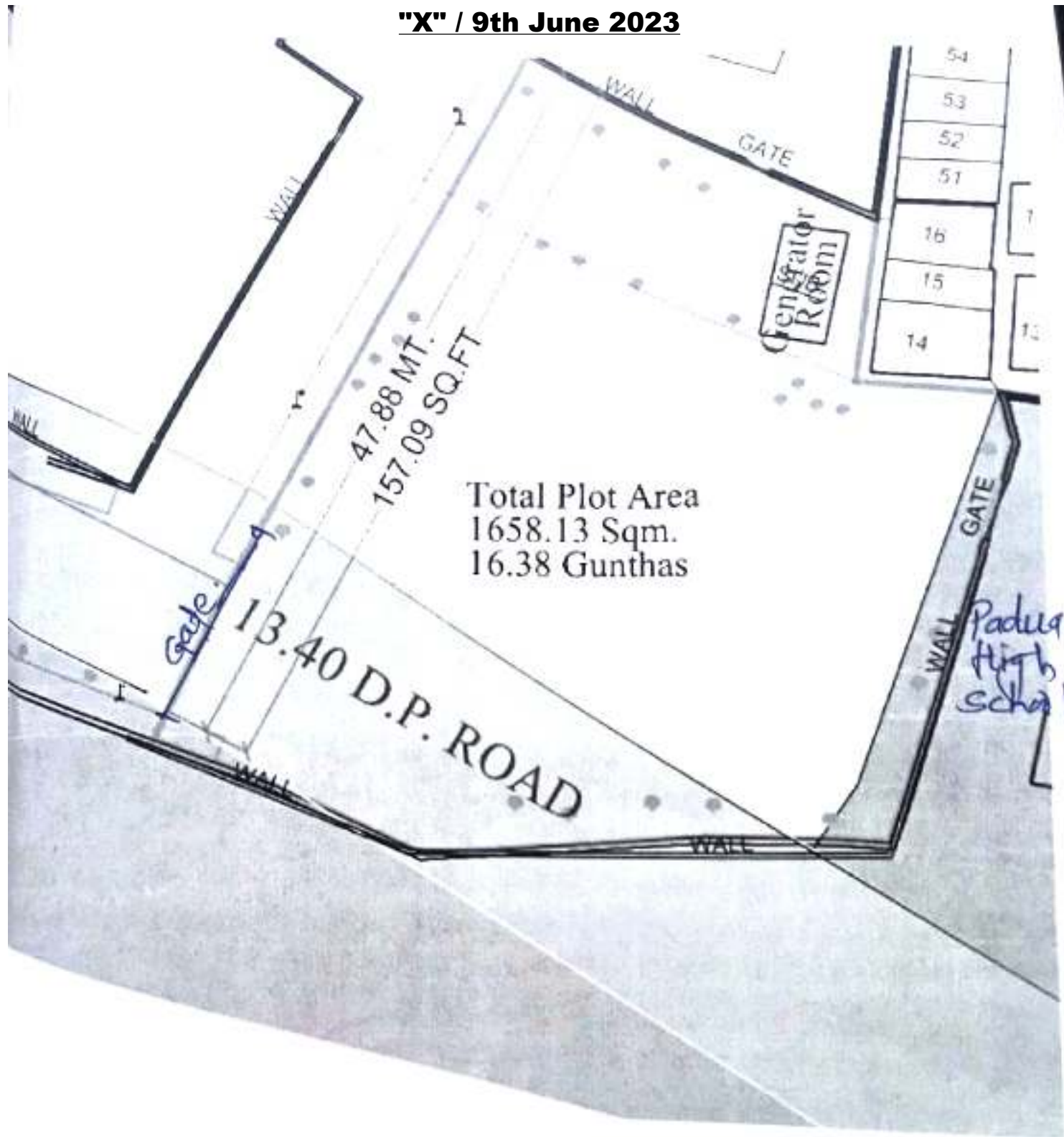
5. We are making no other observations in this behalf. Liberty to all parties concerned i.e. the school, the MCGM, MHADA and the State Government to make an application if necessary, for appropriate directions.

6. The Petition is disposed of in these terms. No orders as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)

"X" / 9th June 2023



CORAM: SHRI G. S. PATEL J &
Dr Neela Gokhale
Date: 09-6-2023

"X"

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