

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

Writ Petition No.2370 of 2023

Dr. Ambedkar Sanskrutik Bhavan Parisar (Ambazari) Bachav Kruti Samiti, Nagpur

vs.

State of Maharashtra, through its Secretary and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. P.S. Wathore and Mr. Shailesh Narnaware, Advocates for the Petitioner.
Mrs. N.P. Mehta, Assistant Government Pleader for Respondent Nos.1 to 5.
Mr. C.S. Kaptan, Senior Advocate a/w Mr. J.B. Kasat, Advocate for Respondent No.6.
Mr. S.M. Puranik, Advocate for Respondent No.7.
Mr. Deoul Pathak, Advocate for Respondent No.8.
Mr. A.A. Naik, Advocate for Respondent No.9.

CORAM : A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.
DATE : 13th APRIL, 2023.

Heard.

02] By this writ petition, challenge is raised to the communication dated 10/04/2023 that has been issued by the respondent No.8 – Maharashtra Tourism Development Corporation, Nagpur by which the Office of the Collector has been informed that in view of Clause 34.1 of the Concession Agreement dated 22/11/2019, it would not be permissible to hold any public function at Ambazari Garden.

03] Pursuant to the notice issued in the writ petition, the respondent No.9, in whose favour the Concession Agreement has been entered into, on instructions, submits through its learned Counsel that for this year, the said respondent is willing to permit celebration of the birth anniversary of Dr. B.R. Ambedkar in a portion of the Ambazari Garden as would be demarcated. The respondent No.9 consents for such celebration to be held on 14th April, 2023 and 15th April, 2023 till

04:00 p.m. This would, however, be by way of an exception. In the light of the aforesaid fair stand of the respondent No.9 and in view of the statement made on behalf of the petitioner in its communication dated 10/03/2023 that it would restore the said garden premises to its earlier state after completion of the celebrations, the Chief Convener of the petitioner was called upon to submit an undertaking in that regard. Accordingly, the petitioner through its Chief Convener has submitted an undertaking dated 13/04/2023 vide Stamp No.2/2023, which is taken on record.

04] In the light of aforesaid, we accept the said undertaking furnished on behalf of the petitioner and also accept the statement made on behalf of the respondent No.9 that celebrations would be permitted at the demarcated portion of 8000 sq.ft. of Ambazari Garden on 14th April, 2023 and thereafter on 15th April, 2023 till 4:00 p.m. Further statements made in the undertaking by the petitioner are accepted. We also note the statement made by the learned Counsel for the respondent No.9 that this arrangement would for the present anniversary celebration in the year 2023 and specifically only on 14th and 15th April, 2023 as referred to above.

05] The writ petition is disposed of in the aforesaid terms with no order as to costs. The parties to act accordingly.

06] Authenticated copy of this order be supplied to the learned Counsel for the parties to act upon.

(M.W. Chandwani, J.)

(A.S. Chandurkar, J.)

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