

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

WRIT PETITION NO.5019 OF 2019

Shri Shiv Mandir, A Branch of
Shri Panchayat Aakhada Bada Udasin
Nirwan, a registered trust bearing
Registration No.1486, dated 19.9.1927,
through its Administrator Shri Mahant
Biharidas Gurupurandas Udasin,
r/o Plot No.349, Udasin, Shiv Mandir,
Ganesh Tekdi, Railway Station Road,
Sitabuldi, Nagpur-440012.

... Petitioner

- Versus -

- 1) State of Maharashtra, through
its Secretary, Home Department,
Mantralaya, Mumbai-440032.
- 2) The Nagpur Municipal Corporation,
through its Municipal Commissioner,
Civil Lines, Nagpur.
- 3) Union of India, through its Staff Officer,
Station Headquarter, Kamptee,
Tahsil Kamptee, District Nagpur.

... Respondents

Shri A.O. Shriwas, Advocate for petitioner.

Smt. S.S. Jachak, Assistant Government Pleader for respondent no.1.

Shri S.M. Puranik, Advocate for respondent no.2.

Ms. Anshuli Deshmukh, Advocate h/f Shri N.S. Deshpande, Deputy
Solicitor General of India for respondent no.3.

CORAM : A.S. CHANDURKAR AND
M.W. CHANDWANI, JJ.

DATED : MARCH 13, 2023

ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :

Rule. Rule is made returnable forthwith. Heard finally with consent of the learned Counsel for the parties.

2) In this writ petition filed by a Trustee of the registered Trust, challenge is raised to the notice issued by the Nagpur Municipal Corporation categorising Shri Shiv Mandir in category “B” and requiring the Trust to take consequential steps in that regard.

3) Shri Puranik, learned Counsel for the respondent no.2 Nagpur Municipal Corporation, has tendered information furnished to the petitioner under the Right to Information Act, 2005 wherein it has been stated that after undertaking re-survey, it has been found that the temple in question does not fall in either category “A” or category “B” of the list of religious structures maintained by the Nagpur Municipal Corporation. The said communication is taken on record and marked “A” for identification.

4) In the light of above information given, it is clear that the impugned notice now does not survive. It is accordingly set aside.

5) The writ petition is allowed in the aforesaid terms. Rule accordingly. No costs.

6) Pending civil applications stand disposed of.

JUDGE

JUDGE

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