



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

CIVIL APPLICATION (CAO) NO. 385 OF 2024
AND
SMPIL NO. 01 OF 2023
(C.H.SHARMA & OTH..VS.. STATE OF MAHARASHTRA & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Anup J. Gilda, Amicus Curiae
Shri D.P.Thakre, Addl.G.P. for Respondent/State.
Shri F.T.Mirza, Advocate for Respondent Nos. 1 to 3.
Shri S.M.Puranik, Advocate for Respondent/NMC.

CORAM : ANIL S. KILOR, AND
SMT.M.S.JAWALKAR JJ.

DATED : MARCH 15, 2024.

CIVIL APPLN.NO. 385/2024.

1. Shri Kavimandan, learned counsel for the intervenors, on instructions, seeks permission to withdraw the application.

2. The Civil Application is **disposed of** as withdrawn.

SMPIL NO.01/2000.

3. On 29/02/2024 this Court issued certain directions and to seek compliances of those directions the matter was posted for today.

4. Today, Shri Mirza, learned counsel for the respondent Nos.1 to 3 has pointed out that the administrative approval is granted for construction of the Police Chowki and for that purpose, an amount of Rs.99.87 Lakhs is made available. It is further submitted that the land mentioned in order dated 29/02/2024 has already been handed over, including the land on which the Zunka-Bhakar Kendra was in operation. A copy of the communication dated 07/03/2024 regarding administrative approval has tendered in the Court today, which is taken on record and marked as Article "X" for identification.

5. Shri Gilda, learned Amicus is not disputing the above referred compliance made by the respondent Nos. 1 to 3 in respect of the Police Chowki.

6. We expect that the time limit stated in para 4 of the order dated 29/02/2024 would be strictly adhered to and the construction would be completed by June 2024.

7. Shri Puranik, learned counsel for the respondent No.4-Nagpur Municipal Corporation has made a statement that as regards shifting of Hawkers Zone, the Town Vending Committee has taken a decision and thereby the Hawkers Zone is deleted. He further submitted that as far as shifting of Hawkers is concerned it has to be made by following due process and therefore, it would take some time.

8. The statement is accepted. It is expected that the Nagpur Municipal Corporation would act expeditiously to shift the Hawkers to other location notified as “Hawkers’ Zone”.

9. As far as compliance as regards providing 8 places for erecting sheds for accommodating visitors and relatives of patients, Shri Mirza, learned counsel for the respondents has made a statement that such places are already provided and a plan is ready for construction of the sheds. It is submitted that the estimated time for construction of these sheds is six months from today. A copy of the map relating to sheds to be constructed is tendered in Court today, which is taken on record and marked as “Y” for identification.

10. We accept the statement as a compliance of the direction in para No.7 and expect that the respondent Nos. 1 to 3 shall file an affidavit reporting the final compliance.

11. The further compliance which was sought was in respect of the Security Guards. It is pointed out that an amount of Rs.2,24,89,560/- has already been deposited in the account of Maharashtra State Security Board.

12. Shri Thakre, learned Additional Government Pleader, on instructions, makes a statement that by now

60 Security Guards have already been deployed and further process is going on to deploy all the required number of Security Guards in next 15 days.

13. The statement is accepted. The learned Addl. G.P. is directed to file an affidavit reporting the compliance in this respect as soon as the final compliance is made.

14. Shri Gilda, learned Amicus, today, has pointed out that "A" Wing of Super Speciality Hospital is under construction and the original estimated cost of the said building was about Rs.6,42,00,000/-. However, because of paucity of funds the construction could not be completed and the work is standstill since 6-7 years.

15. Shri Mirza, learned counsel for the respondent Nos.1 to 3, on instructions, made a positive statement that for remaining work, fresh estimates are prepared by the Public Works Department and as per the estimates, for the remaining work an amount of Rs.3,50,00,000/- would be required for which a proposal has already been forwarded to the State Government and it has been positively recommended by the Commissioner, Medical Education and Research.

16. In the circumstances, considering the purpose and importance of the said building, we hope that the respondent No.1 will act expeditiously and would sanction the amount at the earliest.

17. We make it clear that though the respondent/ State, through its Secretary, Medical Education and Drugs Department, is a party, in case, even if concerned department is found to be not a party to this petition the respondent No.1 may not cite any such excuse for non-compliance of any direction. In such situation, the respondent No.1 is expected to forward such proposal to the concerned department and get the compliance done from such department pointing out this order, but in any case should not cite such excuses for not making any compliances or for delay in making compliance.

18. We further hope and trust that as far as construction of “A” Wing of the Super Speciality Hospital is concerned, the Government should act at its own expediting and shall not wait for any time bound directions from this Court, particularly considering the purpose and importance of such building.

19. Place this matter for further consideration on **04/04/2024.**

(SMT.M.S.JAWALKAR, J)

(ANIL S. KILOR J)