



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

WRIT PETITION NO.7574/2019

Rajshree Sahu Maharaj Bahuddeshiya Krida, Shikshan Prasarak Sanstha (Minority)
Rahit, through its Secretary, Akola

Vs.

State of Maharashtra, Department of Higher and Technical Education Vistar Bhavan,
Mumbai-32 and others

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

Court's or Judge's orders

Shri Pushkar Ghare, Advocate for petitioner
Shri A.S. Fulzele, Addl. G.P for respondent Nos.1 and 2
Shri J.B. Jaiswal, Advocate for respondent No.3

CORAM : AVINASH G. GHAROTE AND

SMT. M.S. JAWALKAR, JJ..

DATED : 08/04/2024

The proposal of the petitioner to open a new College has been rejected by the impugned communication dated 30/09/2019 (page 81), on the ground of two defects- 1) There was no Non Agriculture permission use under the Maharashtra Land Revenue Code of the appropriate authority and the second was that no document regarding the proposed construction were placed on record.

2. Shri Ghare, learned Counsel for petitioner submits, that Non Agriculture permission has since been granted by the Tahsilar, Akola by his order dated 10/10/2022, document No.1, with the additional affidavit of the petitioner dated 19/03/2024, however that still leaves, the petitioner to satisfy the requirement regarding the infrastructure, to be constructed for the purpose of housing the Institution. Though it is contended that the existing

infrastructure can be used, it is not in dispute that the existing infrastructure is already in use by the Junior College, which would indicate that additional infrastructure will have to be created for housing the Senior College, in case permission is granted. The infrastructure being a basic requirement for granting permissions, the petitioner, therefore, will have to satisfy the respondent authority in that regard by placing on record not only building permits, but also the completion certificates, indicating availability of the additional infrastructure, whereupon only the application for permission can be considered. The Writ petition is, therefore, dismissed.

3. Needless to say that in case the petitioner satisfies the requirement regarding the existence of the basic infrastructure for the Senior College, the proposal of the petitioner, shall then, will have to be considered on its own merits as and when the same is made.

JUDGE

JUDGE

R.S. Sahare