

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8025 OF 2025

Prasad Narayan Joshi

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Sandeep Patade for the Petitioner.

Ms. Savita A. Prabhune, AGP for Respondent Nos.1 to 3-State.

**CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.**

DATE: 20 JUNE 2025.

P.C.

1. By way of the present Petition, the Petitioner seeks the following substantive relief:-

- “(a) That this Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent Nos.2 to 7 to decide the complaint dated 07.05.2025 filed by the Petitioner and further direct them to remove the obstruction carried out by the Respondent No.8 and other Respondents in ingress egress way to approach the said temple for the public interest,
- (b) That this Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.3 to decide the complaint dated 11.06.2025 filed by the Petitioner and further direct them to remove the tractor bearing registration no.MH 10 CH 2091 obstructing ingress egress way to approach the said temple for the public interest,
- (c) That this Hon’ble Court may be pleased to issue an appropriate writ or order or direction thereby directing the Respondent No.8 to 19 not to park and enter any vehicles thereby obstructing the egress and ingress way of the temple;”

2. Heard Mr. Patade, Learned Counsel for the Petitioner and Ms. Prabhune, Learned AGP for the Respondent-State.

3. The primary grievance of the Petitioner is that Respondent Nos.2 to 7 are not deciding the Petitioner’s complaint dated 7th May 2025, which has been filed

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by the Petitioner seeking removal of the obstruction stated to be created by Respondent No.8 and other Respondents, who are dumping sand and other building material which is blocking the egress and ingress to the Bhawani Devi Temple. Learned Counsel for the Petitioner submits that the Petitioner is a Trustee of the said Bhawani Devi Temple and in his capacity as such has filed the present Petition. He points out that the access of the said Temple by the devotees is being obstructed apart from the fact that by dumping the sand and other building material, there is nuisance caused to the public at large. He submits that it is thus that the Petitioner had filed a complaint dated 2nd May 2025 before the District Collector, Sangli as also to the police authorities and the Chief Executive Officer, Zilla Parshad, Sangli raising his grievance in respect of Respondent No.8 and two others, who, according to him, have started construction of the building and are dumping the said building material on the path leading to the said Temple. Learned Counsel submits that however no action was taken in respect of the said complaint. He also submits that since there was no action taken by Respondent Nos.2 to 7, to whom the complaint was addressed, the Petitioner filed a complaint dated 7th May 2025 against Respondent No.8 before Respondent No.2-District Collector, Sangli, District Sangli raising his grievance *inter alia* with regard to illegal construction and nuisance that is caused on account thereof. He submits that this complaint however has not been heard and decided nor any action has been taken by Respondent No.2. Hence, this Petition.

4. After having heard Learned Counsel, what we find based on the submissions made is that the act of dumping building material in an indiscriminating manner is certainly cause of public nuisance keeping aside the contentions of the Petitioner that such public nuisance is caused by Respondent No.8.

5. We direct the Respondent Authorities to ensure removal of such building material which is blocking the pathway/access to the said Temple. Furthermore, Respondent No.2 is also directed to hear and dispose of the complaint dated 7th

May 2025 within a period of two months from today. We make it clear that removal of the said building material shall however be undertaken by the Respondent Authorities within a period of one week from the date on which a copy of this order is uploaded.

6. The Writ Petition is disposed of in the aforesaid terms.

7. No order as to costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)