

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11326 OF 2025
IN
WRIT PETITION NO. 2754 OF 2021

The Villagers, Pale Budruk Through Shivram Baji Mahabale	..Applicant
In the matter between	
Sandesh Tukaram Sanap	...Petitioner
Versus	
The State of Maharashtra Through the Government Pleader & Ors	...Respondents

WITH
INTERIM APPLICATION NO. 11325 OF 2025
IN
WRIT PETITION NO. 3167 OF 2021

The Villagers, Pale Budruk Through Shivram Baji Mahabale	..Applicant
In the matter between	
Sanjita Sandesh Sanap	...Petitioner
Versus	
The State of Maharashtra Through the Government Pleader & Ors	...Respondents

ARUN
RAMCHANDRA
SANKPAL

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Mr. Pradeep M. Patil, with Revati A.Tatkare, Pravinchand B. Gole and Nimish S. Parakh, for the Applicants in IA/11325/2025 and IA/11326/2025.
Mr. Sagar Talekar, (though VC), for the Petitioner in WP/2754/2021.
Mr. Suresh Kamble, for the Petitioner in WP/3167/2021.
Ms. Vaishali Nimbalkar, AGP, for Respondent Nos. 1 to 3 in both Petitions.

CORAM: N. J. JAMADAR, J.
DATED : 26th AUGUST 2025

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** These Interim Applications are preferred seeking permission to use pathway for the immersion of Ganesh idols on 28th August 2025, 2nd September 2025 and 6th September 2025.
- 3.** The learned Counsel for the Applicants invites attention of the Court to the orders passed by this Court on 14th September 2021 and 30th August 2022, whereby, in the past, permission has been granted by this Court to use the pathway for the purpose of immersion of the Ganesh idols.
- 4.** The learned Counsel for the Petitioner in Writ Petition No. 2754 of 2021 opposes the prayers in the Interim Applications.
- 5.** The order dated 14th September 2021 was passed with the consent of the parties. However, on 30th August 2022, the prayers were opposed on behalf of the Petitioners and this Court had briefly adverted to the issues which crop up for consideration and the exigency of the situation which warranted the grant of permission for the use of pathway.

6. The observations of this Court in paragraphs 4 to 7 of the said order dated 30th August 2022 read as under:

“4. The Petitioner in Writ Petition No.2754 of 2021 has filed an Affidavit contesting the prayer of the private Respondents. The learned counsel for the Petitioners, in both the Writ Petitions, resist the limited prayer for the use of the alleged pathway on the ground that there is an alternate way available to the villagers.

5. The aforesaid issue which touches upon the merits of the matter can be legitimately considered at the hearing of the Petitions. At this stage, having regard to the exigency of the situation and the fact that last year, albeit with the consent of the parties, the villagers were permitted to use the alleged pathway for Ganesh Idol immersion purpose, I am inclined to permit the use of the alleged pathway for the purpose of immersion of Ganesh Idols on 5th and 9th September, 2022.

6. The learned Counsel for the Petitioners made a grievance that when the villagers were permitted to use the alleged pathway, last year; the property of the Petitioners was damaged and trees were uprooted.

7. The learned Counsel for the private Respondents submits that the Respondents would ensure that no damage is caused to the property of the Petitioners.”

7. The aforesaid reasons apply with equal force to the prayers in these Applications for this year too. Though, this Court has passed

interim orders almost every year permitting the use of the pathway, yet, it is necessary that these Petitions are expeditiously heard and decided. Therefore, while granting permission for the use of the pathway for the immersion of the Ganesh idols this year, the Court considers it appropriate to fix these Petitions for hearing and final disposal on a peremptory date.

8. Thus, the Interim Applications stand allowed in following terms:

(i) The private Respondents and the villagers are permitted to use the alleged pathway for the immersion of the Ganesh Idols on 2nd September 2025 and 6th September 2025.

(ii) Subject to the aforesaid modification, ad-interim relief granted earlier shall continue to operate.

(iii) The parties, especially, the Respondents shall make an endeavour to ensure that there is no breach of law and order

(iv) The private Respondents shall file an undertaking that they will not cause any damage to the property of the Petitioners and/or uproot the trees.

(v) Learned AGP shall communicate this order to
Tahasildar, Roha, Raigad.

(vi) Post the Petitions for hearing and final
disposal on 7th October 2025 at 3.00 pm.

Interim Applications stand disposed.

[N. J. JAMADAR, J.]