

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3178 OF 2024

Mangesh Achreka & Ors.

.....Petitioners

Vs.

Union Of India

Th. Secretary, Ministry Of Defence & Ors.

.....Respondents

Ms. Gayatri Singh, Senior Counsel i/b Shreya Mohapatra, for the Petitioners.

Mr. Akshay Patkar, AGP, for the Respondent No.3-State

Ms. Jyoti Mhatre a/w Anuja Tirmali i/b Komal Punjabi, for the Respondent No.4-MCGM

CDR A. K. Pandey, AO, NCHC and CDR Bhrigu Gera.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 19th JUNE 2025.

P.C.:-

1. The Petitioner seeks directions to the Respondent Nos. 1 and 2 to allow children studying in schools situated within NCHC, Kanjurmarg to enter and leave through Gate nos.4, 5 and 6 to attend their schools. According to the Petitioner, there are some schools located within the NCHC premises and if the gates are closed, the children are required to walk an extra one Kilometer around the premises.

2. The Petitioners are parents of some of the students who are stated to be studying in the schools located within the premises of the Naval Civilian Housing Colony, ('NCHC') Kanjurmarg. The Respondent No. 1 is the Union of India, the Respondent No. 2 is the Estate Officer, in-charge of the said premises, the Respondent No.3 is the State of Maharashtra, Respondent No.4 is the Municipal Corporation and the Respondents No 5 to 7 are the Schools inside the premises of the NCHC.

3. By Order dated 24th January 2025 notice was issued to all the Respondents indicating that an endeavor shall be made to dispose the matter finally at the stage of admission, even if none appeared for the Respondents. The Respondent No.1 and 2 appeared through Ms. Anamika Malhotra, learned counsel and Mr Vikrant Parshurami, Learned AGP appeared for the State. Ms Jyoti Mhatre, Learned counsel appeared for Respondent No. 4 and none appeared for Respondents No. 5-7.

4. Since it is the grievance of the Petitioners that the Respondent No. 2 did not respond to their representation dated 1st November 2023, by Order dated 27th February 2025, we granted

them liberty to make a fresh representation to the Respondent. Ms. Malhotra on instructions, stated that as soon as the representation was received by them, the Respondents would decide the same within 1 week. Thereafter, we had requested the parties to make an endeavor to resolve the matter by discussions inter se. Ms. Gayatri Singh, Learned counsel appearing for the Petitioners informed us that she had a discussion with the officers of the Respondents No.1 and 2 and the matter was being worked out.

5. Today, when the matter was called out the officers of the Respondents were present before us. The officers themselves and through their counsel informed us that their senior authorities had agreed to allow, entry/exit for school children from Classes 1 to 4 who were studying in the two schools within their premises namely, Dr Datta Samant Madhyamik Vidyalaya and St Xavier's High School and Jr. College, on certain terms and conditions. They stated that the said conditions were conveyed to the Petitioner's counsel. We have gone through the terms and conditions and are satisfied that considering the security requirements within the NCHC premises, which are defense premises, the grievance of the Petitioners shall be adequately redressed

if the primary classes children are allowed to enter the gates on the terms agreed to by the Respondents. Hence we pass the following order.

ORDER

6. The students from Class I to Class 4 studying in the schools which are situated within the premises of NCHC are permitted to enter/exit from the specified gates of NCHC on the following terms:

- a. Entry/Exit is only allowed for school children from Classes 1 to 4 studying in Dr Datta Samant Madhyamik Vidyalaya and St Xavier's High School and Jr. College.
- b. The opening time of gates will be 12 hrs to 13 hrs and 16 hrs to 19 hrs (as per the school timings of the primary standards of the said schools)
- c. Entry/Exit through the Gates specified shall be permitted only be showing the a valid identity card issued by the schools.

- d. The Gate will be manned by 2 guards, one from the NCHC and another employed by the School authorities.
 - e. The gates will be under CCTV surveillance.
 - f. Smart phones/*camera phones* will not be permitted in the premises *of the NCHC* as photography/videography is not permitted in defense area.
 - g. In/Out register shall be maintained by the security staff at the gate and neither the Schools nor the parents will object to the same.
 - h. Closing of the gates under emergency & High Security Orders will be under the directives of the AO, NCHC, Powai.
7. The Petition is accordingly disposed off in the above terms.
8. All parties to act on the authentic copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)