



Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 27206 OF 2024

Bombay Education Trust ...Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

Mr Karl Tamboly, with *Aadil Parasampuriwala, Jay Zaveri, Rhea P & Vinay Khatri, i/b Crawford Bayley & Co, for the Petitioner.*

Mr Atul Vanarse, AGP, for the Respondent-State.

Ms Priyanka Sonawane, i/b SK Sonawane, for Respondent-BMC.

**CORAM. M.S. Sonak &
Kamal Khata, JJ**

DATED: 2nd September 2024

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PC:-

1. Heard learned Counsel for the parties.
2. This Petition was mentioned this morning and given the urgency posted at 2.30 pm for production. Mr Tamboly states that notices have been served including all Respondents, including in particular the 5th Respondent.

3. Ms Sonawane seeks time upto tomorrow to obtain instructions. The 5th Respondent has chosen not to appear despite notice.

4. Still, now that we have posted the matter tomorrow, the Petitioners are directed to serve fresh notice on the 5th Respondent informing them about tomorrow's hearing. The Petitioner run the school, i.e., Stellarworld School. They impugned the permission granted by the BMC to the 5th Respondent to put up a temporary pandal during ganpati festivities.

5. Mr Tamboly has invited our attention to the observations in paragraphs 28 and 30 of decision in *Dr. Mahesh Vijay Bedekar v The State of Maharashtra & Ors*¹ to submit that permissions cannot be granted if the grant of such a permissions is likely to result into a major traffic congestion and also permissions cannot be granted on streets or footways in the vicinity of major hospitals and institutions.

6. He submitted that permission now granted is on the footpath touching the Stellarworld School. Significantly, he has submitted that police authorities declined permission and pointed out that clearance from the police authorities is mandatory before such permissions are granted.

7. Mr Tamboly has also placed on record some photographs and google maps to show how the pandal could be accommodated

1 2016 SCC OnLine Bom 9422.

in the vicinity without significantly affecting the Stellarworld School.

8. Considering the material placed on record, the rejection of clearance by the police authorities and the observations in *Dr. Mahesh Vijay Bedekar (supra)*, we restrain the 5th Respondent from proceeding with the construction of the pandal at the site in question.

9. The status quo will have to be maintained by the 5th Respondent till further orders in this Petition. As noted above, we have posted this Petition for hearing tomorrow, i.e., 3rd September 2024 for directions/disposal.

10. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)