राज्य निवडणूक आयोग,महाराष्ट्र

क्र.- रानिआ/मनपा-२०१७/प्र.क्र. १२/का.५,
नवीन प्रशासकीय भवन, मादाम कामा रोड,
हुतात्मा राजगुरू चौक, मुंबई- ४०० ०३२.
दिनांक :- ५ जुलै, २०१७

प्रति,
सर्व जिल्हाधिकारी (मुंबई शहर व मुंबई उपनगर वगळून)
सर्व महानगरपालिका आयुक्त

विषय :- स्थानिक स्वराज्य संस्थांच्या निवडणुका
निवडणुकीकरिता क्रीडा संकुलाच्या वापराबाबत...

महोदय,

मा. उच्च न्यायालय, नागपूर खंडपीठ येथे जनहित याचिका क्रमांक-१२/२०१७ दाखल झाली होती. या याचिकेमध्ये क्रीडा संकुले ही नागरिकांच्या उपयोगासाठी असून, त्याचा वापर निवडणुकीच्या कामासाठी करण्यात येऊ नये, असा मुद्दा मांडण्यात आला होता.

२. मा. उच्च न्यायालयाने दिनांक ७ जून, २०१७ रोजी सदर याचिका निकाली काढताना पुढील आशयाचे मत नोंदविले आहे.

> निवडणुकीच्या कामकाजाच्यादृष्टीने क्रीडा संकुलांव्यतिरिक्त अन्य सोईस्कर जागा उपलब्ध आहे किंवा कसे, याची खात्री करावी. त्यानुसार जर अन्य जागा उपलब्ध नसेल तर निवडणुकांकरिता क्रीडा संकुलांचा वापर करणे हा अंतिम पर्याय राहील. मात्र, क्रीडा संकुले खराब होणार नाहीत, तसेच खेळाडूंच्या सरावामध्ये मोठा खंड पडणार नाही, यादी दक्षता घेण्यात यावी.

३. सदर आदेशाची प्रत उचित कार्यवाहीकरिता सोबत जोडून पाठविण्यात येत आहे.

मा. राज्य निवडणूक आयुक्त यांच्या आदेशानुसार,

आपला,
(नि. ज. वागळे)
अवर सचिव,
राज्य निवडणूक आयोग, महाराष्ट्र

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 12/2017.
Parag Chandrashekhar Chimote
-VERSUS-
Election Commissioner, State of Maharashtra and others.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI AND R.B. DEO, JJ.

DATE : JUNE 07, 2017.

Heard Shri S.G. Joshi, learned counsel for petitioner, Shri J.B. Kasat, learned Counsel for respondent nos.1 and 4 and Shri D.P. Thakare, learned A.G.P. for respondent nos.2 and 3 for some time.

2. Learned counsel for petitioner submits that fortunately on this occasion, when the Sports Complex was used for the purpose of counting after elections, no damage has been caused to the sports facilities or ground. He further makes a grievance that for about 2 months the complex could not be used by players.

3. According to him other alternatives like Bahat Bhavan, Nemani Godown and other open grounds were available and could have been used by

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avoiding sports complex.

4. Learned counsel for respondents submit that sports complex was chosen after due application of mind. Learned counsel for respondent nos.1 and 4 submits that alternative place suggested by the petitioner were not convenient.

5. We do not wish to go into any disputed questions at this stage. Whenever occasion to use the sports complex again for such purpose arise, the Authorities shall first ascertain as to why other alternatives are not convenient. If the other alternatives are not feasible/convenient, then only they can think of using the sports complex. However, at that juncture full precaution should be taken to avoid any damage to the facilities and also to ensure user for a minimum period.

6. If the petitioner feels aggrieved after such a decision or any other cause arises, we grant leave to petitioner to approach this Court again. With these directions, we dispose of the present Public Interest Litigation. No costs.

JUDGE **JUDGE**

Rgd.

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