

CHANDRAKANT KHAIRE

Member of Parliament (Lok Sabha)

Dy. Leader--Shiv Sena

Chief Whip--Shiv Sena Parliamentary Party
(Former Cabinet Minister, Govt. of Maharashtra)

CHAIRMAN

Committee on Papers Laid on the Table of House



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DO/DL/MoHA/2015
22nd Dec. 2015

Subject: Representation against the G.R. issued by Home Department Mantralaya, Mumbai (Maharashtra State) pertaining to removal / regularization / shifting of unauthorized Religious structures.

Respected Shri Rajnath Singh Ji,

I the Member of Parliament from the Sambhajinagar (Aurangabad - Mah) most humbly submit my representation as under:

1. That, SLP No. 8519/2006 is filed by Union of India Vs. State of Gujrat in Hon'ble Supreme Court against the order dated 2.5.2006 passed by the Division Bench of the Hon'ble High Court of Gujarat at Ahmedabad while exercising its suo motu jurisdiction based on a newspaper report dated 2.5.2006, In the "Times of India Ahmedabad Edition, whereby it has issued notices to the state of Gujarat and various public authorities including the Director General of Police and has directed them to "... take immediate steps for removal or encroachment of Religious structures on the public space without any discrimination and submit their reports."
2. There after it seems that on the order of Hon'ble Supreme Court dated 29.9.2009 all the states are impleaded party respondent to the said petition.
3. Chief Secretary to Govt. of Maharashtra filed his affidavit in the said proceedings on 11th February 2010, 30th March 2010, 26th July 2010 & on 12th October 2011 in the affidavit dated 26th July 2010 it was stated that the State Government is in the process of framing the policy for removal, relocation or regularization of encroachments by religious structures and for that purpose Government would require some time. Accordingly a Committee was constituted.



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4. State of Maharashtra has laid down policy guidelines vide Govt. Resolution dated 5.5.2011. The said G.R. is issued for taking appropriate action in the matter of regularization, removal and relocation of religious unauthorized structures, taking into account various relevant issues viz. law and order, traffic, conformity with the provisions of the Development Plan as well as the Development Control Regulations and the consent of the concerned land owning authority.
5. Accordingly vide Government Resolution a (i) State Level Committee, (ii) District Level Committee, (iii) Municipal Corporation Level Committees are formed and for removal of unauthorized religious structures Government have described three class (A) (B) & (C)
6. Which respectfully denote the unauthorised Religious Structures to be regularized, removed & relocated.
7. While forming this compressive policy & issuing of G.R. by Government of Maharashtra, Home Department a reference of special leave to appeal bearing no. 8519/2006 was taken into consideration.
8. Pursuant to the implementation of the said G.R. Commissioner for Municipal Corporation, Aurangabad published a public notice in local news paper dated 04.11.2015 & in the said public notice 1,075 religious structures where declared as unauthorized.
9. On 17.10.2015 District Collector, Aurangabad along with other officers demolished 6 unauthorised religious structures situated in M.I.D.C. Area, Aurangabad.



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10. I & local M.L.A. Mr. Sanjay Shirsat have intervene in to the matter because the question of law & order was arose.
11. While implementing the said G.R. the Government officers / committee members of Maharashtra are not considering the feelings of people & are illegally, without giving any prior intimation to the trustees of the temple & without verifying the documents of temples are demolishing the religious structures. Such illegal & arbitrary action of Government Officers / Committee Members will create the problem of Law & order.
12. Surprisingly after the scrutiny of the alleged list of unauthorized religious structures published by Commissioner, Municipal Corporation Aurangabad it reveled that the temples which are old & having history of 200-300 years are classified in 'B' class & the authorities are proceedings to demolish the same.

Though there are no directions by the Hon'ble Supreme Court to do the survey of Religious Structures situated at private place but still the survey of religious structures which are situated in private place is done by Maharashtra Government & local authorities of Aurangabad.

Perusal of the G.R. of Government of Maharashtra it seems that the said G.R. is wrongly issued by the Government because it is & it was the expectation of Hon'ble Supreme Court that unauthorized illegal structures which are erected on public place, Public Park, public streets, are required to be demolished.

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