

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.5983/2015 &
4671/2015

59 WRIT PETITION NO. 5983 OF 2015

SHASHANK PRABHAKAR DESHPANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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WRIT PETITION NO.4671 OF 2015

GAJANAN S/O MADHUKAR SONAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners :Mr. Girase Amarjitsing B.
AGP for Respondent State: Mrs.M.A.Deshpande

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: June 29, 2015

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PER COURT :-

1. The petitioners are challenging the order passed by the Collector on 25/3/2015, directing the Municipal Council not to undertake the work of construction of shopping complex, and so also, public toilets at Yaval, as decided in a meeting of the Council on 29.11.2014 vide Resolution No.488, presumably under Section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as "the Act of 1965").

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2. Sub Section 2 of Section 308 of the Act of 1965, provides that when the Collector makes any order under his signature, he shall forward to the Council affected thereby a copy of the order, indicating therein the reasons for making it and also submit a report to the Director, alongwith a copy of such order. In view of sub-section 3 of Section 308, within thirty days from the receipt of such order of the Collector, the Council shall, if it so desires, forward a statement to the Director indicating therein why the order of the Collector should be rescinded, revised or modified. If no such statement is received by the Director within time, the Director shall presume that the Council has no objection if the order of the Collector is confirmed. As laid down under sub-section (4), on receipt of such report from the Collector and the Council's statement referred to in sub-section (3), if any, the Director may within a period of six months, from the receipt of such report or within such period beyond six months as may, on the request of the Director, be extended by the State Government, rescind the order or may revise or modify or confirm the order or direct that the order shall continue to be in force with or without modifications.

3. In view of the provisions quoted above, the Counsel appearing for the petitioner seeks leave to approach the Director with appropriate objection. On receipt of the objection, the Director

agp/-

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may take further steps in accordance with the provisions of the Act of 1965.

With liberty as aforesaid, writ petitions stands disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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