

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.96 OF 2015

Shivputra s/o Niranjanappa Mahajan - PETITIONER

VERSUS

Municipal Coubncil, Omerga. - RESPONDENT

Mr.B.B.Dahiphale, Adv. h/for Mr. N.P.Patil -
Jamalpurkar, Advocate for Petitioner;

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 8th January, 2015.

PER COURT:

1) Heard. The petitioner is praying for issuance of directions to respondent - Municipal Council to take an entry in the Civil Register and other relevant documents maintained by the Council in respect of ownership of the persons concerning the property belonging to the petitioner.

2) In our view, remedy provided under Section 318 of The Maharashtra Municipalities, Nagar Panchayat and Industrial Townships Act, 1965 (for short, the Act) is an adequate remedy and it would be open for the petitioner to avail of such alternate remedy.

3) Section 318 of the Act reads thus, -

"318: Revisional powers of State

Government, -

The State Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by or as to the regularity of the proceedings of, any Council or of any officer subordinate to such Council or the State Government, acting in exercise of any power conferred on it or him by or under this Act, call for and examine the record of any case pending before or disposed of by such Council or officer and may pass such order in reference thereto as it thinks fit.

Provided that, no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard:

Provided further that, no such order shall be passed in any case in which an appeal is provided and has been preferred or has been decided.

Provided also that, no such record shall be called by the State Government after one year from the date of the passing of the order by the Council or the officer concerned."

- 4) According to us, the proceedings of the Municipal council or any order passed by the subordinate officer or inaction of the municipal council, can be subjected to challenge by presenting

a revision application under section 318 of the Act to the State Government.

5) In view of the above, writ petition does not deserve consideration. Keeping option of the petitioner open to avail of alternate remedy provided under the Act, the writ petition stands disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/