

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1881 OF 2015

Shaukat Anwar Mithani and others ... Petitioners

V/s.

The Administrator, Union Territory and ... Respondents.
Daman and Diu and another

Mr. Bhavesh Parmar i/b Mr. Vijay Prakash Yadav and Devmani J. Shukla
for Petitioners

Mr. P. S. Jetty i/b Mr. S. S. Deshmukh for Respondent nos. 1 & 2

**CORAM : NARESH H. PATIL AND
VL. ACHLIYA, JJ.**

DATED : 1st APIL 2015.

P.C.

- 1) Heard.
- 2) Learned counsel for the petitioners submits that no confidence motion was tabled against Chairman and Vice Chairman of Daman Municipal Council on 11/02/2015. Deputy Collector and Presiding Officer of Daman by communication dated 17/02/2015 called special meeting to discuss the no confidence motion on 21/02/2015 at 11.00 am.
- 3) By communication dated 20/02/2015, Collector/Director of

Municipal Administration of Daman kept the matter relating to no confidence motion in abeyance till the Administrator completes the proceedings as directed by High Court of Bombay.

4) Writ petition was filed bearing no. 9875 of 2014 and 10271 of 2014. By Judgment and Order dated 10/02/2015, learned Single Judge of this Court observed as under:

“28] It is clarified that nothing in this judgment and order shall be construed as intended to affect the merits and demerits of the case of the respective parties. The observations made in this judgment and order, except on the aspect of compliances with principles of natural justice, are only prima facie and recorded for the purposes of the final order made in the present petitions. The Administrator shall proceed to dispose of proceedings under Section 298 of the said Act in accordance with law and with expedition, as directed.”

5) Learned Single Judge has also directed that the proceedings initiated under section 298 of Daman and Diu Municipal (Amended) Regulations Act, 1994 shall be expeditiously concluded within 2 months from the date of the order. i.e. 2 months from 10/02/2015.

6) Learned counsel appearing for the respondent Administrator submits that proceedings are going on and principles of natural justice are required to be followed. According to learned counsel, proceedings will be

completed expeditiously.

7) In view of the observations made by learned Single Judge and the directions issued, We do not find any error in view adopted by the Collector/Director of Municipal Administration of Daman in keeping notice of no confidence motion in abeyance.

8) Learned counsel for the petitioners submits that petitioner would raise independent challenge in respect of the notice dated 04/03/2015 issued by Collector at Daman.

9) Petitioner may seek appropriate remedies regarding other cause of action concerning different issues.

10) Writ Petition stands dismissed.

(VL. ACHLIYA, J.)

(NARESH H. PATIL, J.)