

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.957 OF 2015
IN
WRIT PETITION NO.10271 OF 2014**

The Administrator, Union Territory of Daman & Diu & Anr.
..Applicants
Vs.
Shaukat Anwar Mithani & Ors.
..Respondents

**WITH
CIVIL APPLICATION NO.958 OF 2015
IN
WRIT PETITION NO.9875 OF 2014**

The Administrator, Union Territory of Daman & Diu & Anr.
..Applicants
Vs.
Mukesh K. Patel & Ors.
..Respondents

Mr. Pradeep Jetly with Mr. Pravin Gole i/b Mr. Shrishailya Deshmukh for the Applicants in both the Applications
Mr. Bhavesh Parmar i/b Mr. Devnani Shukla and Mr. Vijayprakash Yadav for the Respondents (original Petitioners in Writ Petition No.10271 of 2014)
Mr. Kishore Patil for the Respondents (original Petitioners in Writ Petition No.9875 of 2014)

CORAM : R. M. SAVANT, J.
DATE : 10th APRIL, 2015

P.C.

1 The above Civil Applications have been filed for the following relief

(a) That this Hon'ble Court be pleased to extend the time limit of 2 months by a further period of 4 months or by such a reasonable period which this

Hon'ble Court deems fit and also to continue the restrictions on the Councilors of the Daman Municipal Council as per the order passed by this Hon'ble Court dated 10-2-2015 in Writ Petition No.10271 of 2014 and Writ Petition No.9875 of 2014.

2 The above Petitions in which the Civil Applications have been filed, have been disposed of by a Learned Single Judge of this court by Judgment and Order dated 10-2-2015. The subject matter of the above Petitions was the order dated 31-10-2014 passed by the Administrator Daman and Diu under Section 298 of the Daman and Diu Municipalities (Amended) Regulation, 1994 (hereinafter referred to as the said Act), whereby the Daman Municipal Council was dissolved. A Learned Single Judge of this Court found the dissolution of the Daman Municipal Council was in breach of the principles of natural justice for the reasons mentioned in the said Judgment and Order dated 10-2-2015. The said order dissolving the Daman Municipal Council dated 31-10-2014 was accordingly quashed and set aside and liberty was granted to the Administrator to commence fresh proceedings under Section 298 of the said Act, if necessary by issuing fresh show cause notice or modifying the existing show cause notice. The Administrator was asked to ensure that there is no failure of natural justice in so far as the second round is concerned. The Administrator was also directed that the proceedings would be completed expeditiously within a period of two months from the date of the

said Judgment and Order. The said order being dated 10-2-2015, the period of two months has already expired yesterday i.e. 9-4-2015. In the above Civil Applications, the facts relating to the commencement of the fresh proceedings have been stated in as much as the issuance of fresh show cause notice dated 23-2-2015 asking the councilors to show cause by 9-3-2015, has been mentioned. The reasons why the extension of time is sought have been averred in paragraphs 4 and 5 of the above Civil Applications. It has been averred that to see to it that there is no breach of principles of natural justice, the material sought by the Councilors is sought to be furnished to the Councilors, which would take some time and hence the extension of time is sought.

3 On behalf of the Original Petitioners i.e. Respondents in Civil Application No.957 of 2015 in Writ Petition No.10271 of 2014, affidavit in reply has been filed opposing the application for seeking extension of time. However, the extension of time is sought to be opposed on the ground which in my view are not germane to the consideration of the above Civil Application seeking extension. Once this court has granted liberty to the Administrator to adopt fresh proceedings and had stipulated the time within which the fresh proceedings are to be culminated. If the fresh proceedings are not culminated, for which extension is sought by the Administrator, then the extension would have to be considered on the basis of the directions which have been issued in the earlier round, so that there is a compliance of the said order.

4 In my view, therefore the Administrator would have to be given an opportunity to conclude the proceedings which have been initiated by the show cause notice dated 23-2-2015. The extension of time sought is a period of 4 months, in my view having regard to the serious consequences that a dissolution of a Municipal Council has, it would be just and proper to allow the above Civil Applications in terms of prayer clause (a), however, by stipulating the outer limit to be 14-8-2015.

5 Needless to state that the other directions contained in the Judgment and Order dated 10-2-2015 would continue to operate.

6 The Civil Applications are accordingly disposed of.

[R.M.SAVANT, J]