

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6193 OF 2015**

Nagesh Haribhau Akkalkote ..Petitioner
Vs.
The State of Maharashtra & Ors. ..Respondents

**WITH
CIVIL APPLICATION NO.1888 OF 2015
IN
WRIT PETITION NO.6193 OF 2015**

Rajendra Sukhadev Mirgane ..Applicant

In the matter of
Nagesh Haribhau Akkalkote ..Petitioner
Vs.
The State of Maharashtra & Ors. ..Respondents

Mr. Vineet Naik, Senior Advocate a/w Mr. Abhijit Kulkarni i/b DD& Abhijit Associates for the Petitioner
Mr. B. D. Joshi for the Respondent No.3
Mr. S. D. Rayrikar AGP for the Respondent Nos.1, 2 and 4
Mr. G. N. Salunke i/b Mr. Umesh Kurund for the Applicant

CORAM : R. M. SAVANT, J.
DATE : 31st July, 2015

P.C.

1 The order dated 24-11-2014 refusing stay to the Petitioner in the Appeal filed by him under Section 44(4) of the Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act, 1966 (for short the said Act), passed by the Director of Municipal Administration, Pune, is taken exception to by way of the above Petition.

2 The Petitioner has been disqualified under Section 44(1)(e) of the

said Act on the ground that the Petitioner has carried out unauthorised construction. The Learned AGP on instructions states that the Appeal filed by the Petitioner would be disposed of within the time frame that would be stipulated by this Court.

3 In my view, considering the fact that the Petitioner has been disqualified as a Councilor, it would be just and proper to direct the Appellate Authority i.e. the Director of Municipal Administration, Pune to hear and decide the Appeal within 6 weeks of 5-8-2015. Since the Petitioner has already been disqualified, a limited stay is granted which is to the effect that though the Petitioner would be entitled to attend the meetings of the Council he would not be entitled to participate and vote and would also not be entitled to draw allowances, which would all be subject to the final order that would be passed in the Appeal. The parties to appear before the concerned authority on 5-8-2015 at 3.00 p.m. With the aforesaid directions, the Writ Petition is disposed of.

4 In view of the disposal of the above Petition, the Civil Application No.1888 of 2015 for intervention does not survive and to stand disposed of as such.

5 The parties to act upon an ordinary copy of this order duly authenticated by the Court Shirestedar.

[R.M.SAVANT, J]