

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5850 OF 2014

Rajendra Baban Tambe & Ors. .. Petitioners.
Vs.
State of Maharashtra & Ors. .. Respondents.

**WITH
WRIT PETITION NO.6913 OF 2014**

Omkar Singh Yadav .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Mr.A.V. Anturkar, Sr. Advocate i/b Mr.Sugandh B. Deshmukh for the
Petitioners in WP No.5850/2014.
Mr.A.V. Anturkar, Sr. Advocate i/b Mr.Sugandh B. Deshmukh and
Mr.Tanaji Mhatugade for the Petitioner in WP No.6913/2014.
Mrs.M.P. Thakur AGP for Respondent Nos.1 and 2 in both the
petitions.
Mr.Abhijit Purushottam Kulkarni for the Respondent Nos.3 and 4 in
both the petitions.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 18TH FEBRUARY, 2015

P.C.

1. Heard learned senior counsel for the petitioner.
2. The challenge in these petitions is to the notification dated 29th May, 2014 issued by the State Government. By the said notification, a draft of the notification proposed to be issued has been published. The proposal/draft notification is for including certain areas within the limits of the Pune Municipal Corporation. The final notification on the basis of the impugned draft notification

has not been issued. The learned senior counsel appearing for the petitioners pointed out that for issuing the draft notification, the power has been purportedly exercised by the State Government under clause (a) of sub-section (3) of Section 3 of the Maharashtra Municipal Corporations Act, 1949. His submission is that the basic challenge in the petition is that the said provision is violative of Article 243Q of the Constitution of India.

3. As of today, only a draft notification has been published. Under the impugned notification objections and suggestions have been invited to the draft notification. The State Government may issue a final notification in the terms of the draft notification or may not issue it at all. Therefore, as of today the challenge raised in the petition is academic and need not be entertained.

4. By keeping all contentions raised in the petitions expressly open, the petitions are disposed of.

(A.K. MENON, J.)

(A.S. OKA, J.)