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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7362 OF 2014

Vijay G. Patil

.. Petitioner

Vs.

The State of Maharashtra

.. Respondent

Mr. M. S. Karnik i/by Mr. Sanjay S. Patil for petitioner.

Mr. Vikas Mali, AGP for State.

CORAM: NARESH H. PATIL &
S. B. SHUKRE, JJ.

DECEMBER 04, 2015.

P.C.

1. Admittedly, Thane District was bifurcated into two districts i.e. Thane and Palghar in the year 2014. In view of the provisions of Section 255 (iv), an Administrator was appointed on Thane Zilla Parishad. This petition was filed in the year 2014 challenging the declaration of notification dated 31/7/2014, by which Thane Zilla Parishad was dissolved.

2. Mr. Karnik, learned counsel appearing for the petitioner, submits that splitting of a District shall not automatically result in removal of Zilla Parishad members and consequent appointment of Administrator.

Learned counsel referred to contingencies (a) to (d) prescribed in Subsection (2) of Section 255 which read as under :-

255. Power of State Government to make suitable provision by order when a District is altered . - (1)

(a)

(b)

(c)

(d)

(2) Where during the term of office of the Councillors of any Zilla Parishad, -

(a) any local area is included within a District;

(b) any local area is excluded within a District;

(c) two or more Districts are amalgamated into one District; or

(d) a District is split up into two or more Districts;

the State government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the Official Gazette, provide for all or any of the following matters, namely:-

(i)

to

(x)

3. Learned counsel submits that instead of straightway dissolving the Zilla Parishad or removing elected members or instead of appointing

Administrator, alternate method could be adopted so that the elected representatives could complete their remaining tenure. Such an exercise would save the expenditure on public exchequer and facilitate continuous service to the people by elected representatives.

4. In fact, the argument advanced by the learned counsel sounds interesting and attractive. We have perused the provision of Section 9, which refers to Constitution of Zilla Parishads. Provision of Section 9 states that a Zilla Parishad shall consist of Councillors chosen by direct election from electoral divisions in the district being not more than seventy-five and not less than fifty in number. Section 255 (2) prescribes different contingencies for which solutions are prescribed under the same provision. In respect of the present fact situation, the relevant provisions would be Section 255 (2)(iv) which read as under :-

255. Power of State Government to make suitable provision by order when a District is altered . - (1)

(2) Where during the term of office of the Councillors of any Zilla Parishad, -

- (a)
- (b)
- (c)

(d)

(i)

(ii)

(iii)

(iv) in a case falling under clause (d), the appointment of Administrators to exercise the powers and to perform the duties and the functions of the successor Zilla Parishads including those of the Panchayat Samitis, the Standing Committees or Subjects Committees or other Committees appointed, if any, until the Zilla Parishads are in due course constituted under this Act;”

5. In view of the said provisions, we are not inclined to interfere in the matter. The State may still look into the grounds raised by petitioner in a larger perspective.

6. The petition is dismissed.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)