

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8326 OF 2014

Mr. Prasanna T. Kubal and ors. .. Petitioners.

VS.

Mr. Waman D. Kambale and ors. .. Respondents.

**WITH**

WRIT PETITION NO. 8322 OF 2014

Mr. Prasanna T. Kubal .. Petitioners.

VS.

Mr. Waman D. Kambale and ors. .. Respondents.

**WITH**

WRIT PETITION NO. 8784 OF 2014

Mr. Waman D. Kambale & ors. .. Petitioners.

VS.

Mr. Prasanna T. Kubal & ors. .. Respondents.

Mr. N. V. Walawalkar, Sr. Advocate a/w. Mr. R. S. Jahagirdar, Sr. Advocate i/b Mr. S. M. Sabrad for the Petitioners in WP 8326/14 and 8322/14 and for Respondent No.1 in WP 8784/14.

Mr. P.K. Dhakepalkar, Sr. Advocate a/w. Mr. S.R. Bhalekar for Respondent Nos.1 to 7 in WP 8326/14, 8322/14 and for Petitioner in WP 8784/14.

Ms Vaishali Nimbalkar, AGP for Respondent No.9 in WP 8326/14 and 8322/14 and for Respondent Nos.3 and 4 in WP 8784/14.

**CORAM : M. S. SONAK, J.**

**DATE : 9 JANUARY, 2015**

**P.C. :-**

1] In all these petitions, challenge is to the common judgment and order dated 9 September 2014 made by the Collector of

Sindhudurg in disqualification Application Nos.1 of 2013 and 2 of 2013, whereby the twelve Councilors of Vengurla Municipal Council came to be disqualified under the provisions of Maharashtra Local Authorities Members' Disqualification Act, 1986.

2] After the matters were heard for great length of time, it has transpired that extensive material which was produced by either of the parties has not been duly considered by the Collector in making the impugned order. There is no discussion in the impugned order with regard to such materials.

3] Since these matters pertain to disqualifications of elected councilors, it is important that the materials produced by either parties be considered by the Collector before returning the findings that twelve out of nineteen Councilors which constitute the Vengurla Municipal Councils stand disqualified.

4] In the aforesaid circumstances, learned counsel for the parties also agree that a proper course of action to be followed would be to quash and set aside the common order dated 9 September 2014 and remand the matters to the Collector of Sindhudurg for reconsideration of the issue of disqualification.

Accordingly, the impugned judgment and order dated 9 September 2014 made by the Collector of Sindhudurg is quashed and set aside. Disqualification Application Nos.1 of 2013 and 2 of 2013 are remanded to the Collector of Sindhudurg for fresh consideration in accordance with law.

5] In view of above, the petitions are disposed of. No order as to costs.

6] All parties to act upon an authenticated copy of this order.

**(M. S. SONAK, J.)**

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