

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1863 OF 2014
WITH
CIVIL APPLICATION NO.1831 OF 2014

Smt. Meenakshi Janardan Dhaweade
and Anr. .. Petitioners

-Versus-

The Commissioner, Municipal Corporation
for the City of Thane and Ors. .. Respondents

Mr.Amol Mhatre for petitioners
Mr.R.S.Apte, Senior Advocate with Mandar Limaye for respondent
Nos. 1 and 2
Mr.Sagar Joshi for respondent No.4
Mr.Vikas Mali, AGP for respondent No.3

CORAM : SMT. V.A.NAIK &
C.V.BHADANG, JJ.
DATE : 27th February 2015.

P.C.

Heard. We have perused the affidavit filed on behalf of the petitioner on 24th February 2015. The communication issued by the Legal Advisor of the Thane Municipal Corporation to the Counsel appearing for Thane Municipal Commissioner is annexed to the said affidavit.

Mr.Apte, the learned Senior Counsel appearing for the

Thane Municipal Commissioner takes an exception to the statement made in para 8 of the said affidavit. It is stated that by the statement made in para 8 the petitioner has cast aspersions on the Counsel for the Thane Municipal Commissioner. It is stated that the Counsel for the Thane Municipal Commissioner had not received the communication dated 23rd February 2015 till the matter was heard by this Court on 23rd February 2015 and he had received the same in the evening.

Though we find that the statement made in para 8 of the additional affidavit does not cast any aspersions on the counsel for Thane Municipal Commissioner, we accept the statement of the learned Senior Counsel that the Counsel for the Thane Municipal Commissioner had received the communication dated 23rd February 2015 in the evening and hence the same was not tendered in the court when the matter was heard.

We find on a reading of the aforesaid communication that it is conveyed by the said communication to the Counsel for the Thane Municipal Commissioner that the administration is inclined to

refer the dispute in regard to the disqualification of the respondent No.4 to the Judge, in accordance with the provisions of Maharashtra Municipal Corporation Act, 1949.

On hearing the learned Counsel for the parties and on a consideration of the order dated 8th May 2014 as also the communication dated 23rd February 2015, we expect the Thane Municipal Commissioner to refer the matter in regard to the disqualification of the respondent No.4 to the Judge, within a period of two weeks. The Judge should decide the matter in accordance with law, without being influenced by the orders passed in the instant writ petition and also in the Public Interest Litigation.

With the aforesaid observations and directions we dispose of the petition with no orders as to costs. In view of the disposal of the writ petition, the civil application would not survive and the same is disposed of.

(C.V.BHADANG, J)

(SMT. V.A.NAIK, J.)