

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAW) No.2022 of 2015

In

Writ Petition No.3103 of 2015

(Sk. Mehmood s/o Shri Rumi v. The Divisional Commissioner, Amravati Division,
Amravati, and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's order

Court's or Judge's orders

Shri K.L. Dharmadhikari, Assistant Government Pleader for
Applicant/Respondent No.1.
Shri S.D. Chopde, Advocate for Petitioner.
Shri A.A. Naik, Advocate for Intervener.

Coram : R.K. Deshpande, J.

Date : 9th October, 2015

This civil application seeks recall of the judgment and order dated 16-9-2015 passed by this Court. In para 5 of the judgment and order itself, this Court has left it open for the Divisional Commissioner to decide the question as to whether he has jurisdiction to decide the appeal under Section 44(4) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

By this civil application, it is urged before this Court on the basis of the communication dated 6-12-2006 that the Divisional Commissioner has no jurisdiction to decide the matter. In spite of granting time on several occasions, such a stand was not taken by the Divisional Commissioner. This Court was, therefore, constrained to remand the matter back to the Divisional Commissioner for decision on the question which was involved in the writ petition. Now the Divisional Commissioner cannot shirk his responsibility of deciding the

appeal on the question involved therein.

The civil application is dismissed.

If the costs of Rs.5,000/- are not deposited by the Divisional Commissioner within two weeks from today, the High Court should see that the order is implemented by effecting the attachment of the office of the Divisional Commissioner.

Judge.

Lanjewar