

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.957 OF 2016

Sanjay Annappa Batale

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.R.S.Deshmukh advocate for the petitioner

Mr.B.V.Virdhe, Assistant Govt. Pleader for Respondent No.1 to 3

Mr. K.K. Kulkarni advocate for respondent No.4

CORAM : **R.M. BORDE &**

A.I.S. CHEEMA, JJ

Dated : 17th FEBRUARY, 2016.

PER COURT :-

1 The petitioner is praying for issuance of direction to respondent Collector to take appropriate steps in respect of representation tendered by him on 5.1.2016, requesting to exercise powers under section 308 of The Maharashtra Municipal Councils, Nagar Panchayats & Industrial Townships Act, 1965 and suspend the execution of the resolution No.59 dated 26.5.2015.

2 Learned Assistant Government Pleader appearing for the State informs, on instructions, that the Collector has already taken cognizance of the application and directed the Sub Divisional officer to conduct a prima facie enquiry and submit report to him immediately.

3 The Collector shall, in observance of the procedure prescribed under law, take appropriate decision in the matter within contemplation of section 308 of The Maharashtra Municipal Councils, Nagar Panchayats & Industrial Townships Act, 1965 as expeditiously as possible and preferably within a period of four weeks from today. It is clarified that, this Court has not considered the merits of the contentions of the petitioner or the reply presented on behalf of respondent Municipal Council and it would be open for the Collector to take appropriate decision on consideration of the merits of the matter.

4 With the directions as above, writ petition stands disposed-of.

(A. I. S. CHEEMA, J.)

(R. M. BORDE, J.)

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