

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2485 OF 2015

Sayyed Anis Sayyed Kayamoddin ..PETITIONER

VERSUS

The Collector, Jalgaon and Others ..RESPONDENTS

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Mr. Y.B. Bolkar, Advocate h/f Mr. A.B. Girase, Advocate for petitioner.

Mr. S.R. Yadav, A.G.P. for Respondent No.1.

Mr. Girish Rane, Advocate for Respondent Nos.2 and 3.

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CORAM : T.V. NALAWADE, J.

DATED : 04th OCTOBER, 2016

ORDER :

1. The petition is filed to challenge the order made by the Collector, Jalgaon in Disqualification Petition No. 14 of 2014. Both the sides are heard.

2. In disqualification proceeding, application was moved by the present petitioner for rejection of the petition on the ground that there was no compliance of Rule 6 of the Maharashtra Local Authority Members Disqualification Rules, 1987 as there was no verification to the petition and there was no concise statement of fact. After hearing both the sides, the Collector has rejected the application by referring the case AIR (SC)

463 (Kedar Shashikant Deshpande Vs. Bhore Municipal Council). In the present proceeding, the learned Counsel for petitioner places reliance on cases reported as *2000 AIR(SC) 3044 (Ashok Y. Patil Vs. District Collector, Beed)* and *2003 (4) Mh.L.J. 150 (Laxmikant Tukaram Chaudhari and Others Vs. State of Maharashtra and Others)*.

3. It is now settled law that the Collector is bound to take cognisance of the matter of defection if it is brought to his notice and other things are formal in nature. If petition itself was not verified, that can be allowed to be corrected. Submission was made that verification was subsequently filed. In any case, it is law laid down that it is only to brought to the notice of the Collector that there has been defection and after that it become the duty of the Collector to take further action.

4. This Court holds that there were no merits in the objections taken by the petitioner. This Court sees no reason to interfere in the order made by the Collector. The disqualification petition is to be disposed of within two months from the date of receipt of this order. Civil application, if any, is disposed of accordingly.

(T.V. NALAWADE, J.)

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