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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10717 OF 2015

Shashank Prabhakar Deshpande,

PETITIONER

VERSUS

The Collector, Jalgaon & others

RESPONDENTS

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Mr. P.R.Katneshwarkar h/f Mr.Y. B. Bolkar, Advocate for petitioner
Mr. A. P. Bhasarkar, AGP for respondent-State
Mr. R. S. Deshmukh, Advocate for respondent No.2.

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 6th JUNE, 2016

ORDER :

1. Heard learned advocates for the parties.
2. The petitioner is aggrieved by order dated 12th October, 2015 passed by Collector, Jalgaon holding that proceedings before collector are not maintainable against president of municipal council, upon an application for review of the order earlier passed of even date, whereunder request of present respondent No.2 had been turned down.
3. Learned advocate for the petitioner purports to canvass various submissions on merits, however, Mr. Deshmukh, learned

advocate for respondent No.2 points out section 44 (4) of the Maharashtra Municipal councils, *Nagar Panchayats* and Industrial Townships Act, 1965 and submits that in view of alternate efficacious remedy being available, the writ petition be not entertained.

4. Section 44 (4) of the the Maharashtra Municipal councils, *Nagar Panchayats* and Industrial Townships Act reads thus;

“44 Disqualification of Councillor during his term of office

(1) ...

(2)

(3)

(4) Any person aggrieved by the decision of the Collector may within a period of fifteen days from the date of receipt of the decision of the Collector by him, appeal to the State Government and the orders passed by the State Government shall be final:

Provided that, no order shall be passed under sub-section (3) by the Collector or under sub-section (4) by the State Government in appeal, against any Councillor without giving him a reasonable opportunity of being heard.”

5. In view of aforesaid, I am not inclined to go ahead further in the writ petition. It is open for the petitioner to approach the State Government against the order passed by Collector, Jalgaon, by which he is aggrieved.

6. In the process, the time consumed during pendency of this writ petition, will have to be appropriately considered by the State Government, while it comes to consideration of appeal by the petitioner.

7. Since the petitioner commits himself to file appeal within a period of ten days from today, if so filed, the same be proceeded with and disposed of by the State Government as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of this order.

8. Writ petition, as such, stands disposed of.

[SUNIL P. DESHMUKH, J.]