

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 50 OF 2015

Kulgaon Badlapur Vikas Samiti -
through its President -Shri D.V.Kale & Anr. ... Petitioners.

V/s.

The State of Maharashtra and 14 Others. ... Respondents.

Mr. Sarbari Chatterjee i/by Ashish Mehta, Advocate for the
Petitioners.

Mr. N.C. Walimbe, AGP for the State -Respondent Nos.1 to 3,
5, 6 and 9.

Mr. Dinesh P. Adsule, Advocate for Respondent Nos. 7 and 8.
None for the Respondent.

**CORAM : V. M. KANADE AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 14th SEPTEMBER, 2016

P.C. :

1 By this Public Interest Litigation filed under Article
226 of the Constitution of India, the Petitioners are seeking the
following reliefs :

a) In lieu of the foregoing facts and circumstances,
this Hon'ble Court be pleased to direct Respondent
No.1 to take immediate/ concrete/ effective/ tangible
steps as required under section 313 of the Maharashtra

Municipal Councils Nagar Panchayats and Industrial Townships Act 1965 for dissolving Respondent No.7;

b) If this Hon'ble Court is pleased to grant prayer clause (a), then in that event this Hon'ble Court be pleased to direct Respondent No.1 to take final decision within four weeks from the date of passing of such direction by this Hon'ble Court, for dissolving Respondent No.7 as contemplated under section 313 of the Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act 1965 Respondent No.7;

c) If this Hon'ble Court is pleased to grant prayer clauses (a) and (b), then in that event this Hon'ble Court be pleased to appoint any retired Principal Judge of a District Court or any other equivalent Officer from the State Judiciary as an Administrator of Respondent No. 7 from the date on which an Order dissolving Respondent No.7 under section 313 of the Act is published in the Official Gazette;

d) If this Hon'ble Court is not inclined to grant prayer clauses (a) and (c), then only in that event, this Hon'ble Court be pleased to direct Respondent No.1 to take a final decision within a period of two weeks from

the date of this Hon'ble Court's Order on all the pending Complaints/Representations of Petitioners dated 04.02.2015 and 23.02.2015 in respect of Respondent No.7 by giving a personal hearing to the Petitioners before taking a final decision therein;

- e)
- f)
- g)
- h)
- i)
- j)
- k)
- l)

2 We are informed by the learned counsel appearing on behalf of the Respondent Corporation that in fact the term of the said Council is over and fresh elections were held on 22nd April, 2015 and a new body has been elected and it has taken over the charge on 18th May, 2015. In view of these subsequent events, therefore, the present petition for the reliefs claimed by the Petitioners in this PIL has become infructuous.

3 We are also informed by the learned counsel appearing for the Corporation that the so-called notices were issued to the Councilors and a detail inquiry was made; in which these Councilors were exonerated.

4 In view of the above, nothing survives in this Petition. The PIL is accordingly disposed of by reserving the right of the Petitioners to challenge the order of exoneration if so advised.

(MRS.SWAPNA JOSHI,J.)

(V. M. KANADE,J.)

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