

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5568 OF 2014

Sayyed Peer Fakira.

..Petitioner.

Versus

Navi Mumbai Municipal Corporation
and Others.

..Respondents.

Mr. Arvind Aswani i/b Mr. J. G. Reddy for the Petitioner.

Mr. A. S. Patil for Respondent No. 1 to 4.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **August 20, 2016.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and the learned Counsel appearing for Respondent Nos.1 to 4. The petition is filed seeking direction for disqualifying Respondent No.5 under the provisions of Section 10(1D) of the BMC Act. The direction is also sought against Respondent No.2 to decide the Petitioner's representation dated 25th October 2013. Further direction is sought to the effect that Respondent No.5 has become disqualified automatically in view of the provisions of section 10(1D) of the BMC Act.

2. By the interim order passed by this Court on 13th August 2014, this Court issued notice to Respondent No.5 and directed Respondent No.2 to decide the Petitioner's representation dated 25th October 2013. Mr. Patil, the learned Counsel appearing for the

Respondent No.2 placed on record the order dated 25th March 2015 passed by Respondent No.2-Commissioner. Perusal of the said order discloses that Respondent No.2-Commissioner has disposed of the Petitioner's said representation with a direction to place the said issue before the general body of the Navi Mumbai Municipal Corporation. Mr. Patil makes a statement that the said issue was thereafter discussed by the general body of the Navi Mumbai Municipal corporation and decision is taken not to disqualify Respondent No. 5. In these circumstances, this writ petition is rendered infructuous and the same is therefore dismissed. If the Petitioner is aggrieved by the decision of the Corporation, he is always at liberty to challenge the same by filing appropriate proceedings.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]