

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****PUBLIC INTEREST LITIGATION NO. 19 OF 2003****Siddheshwar Mogalappa Kamurthi Petitioner****VERSUS****The State of Maharashtra & Ors. Respondents****ALONGWITH****WRIT PETITION NO. 4866 OF 1998****Labour Front & Anr. Petitioners****VERSUS****The Ulhasnagar Municipal Corporation & Ors. Respondents**

Mr.Ramdas P.Sabban for the Petitioner in PIL/19/2003.

Mr.P.G.Kathane, A.G.P. for the State.

**CORAM : A.S.OKA &
R.D. DHANUKA, JJ.**

DATE : 7th SEPTEMBER, 2016

P.C.

In both the petitions, there is a challenge to the constitutional of validity of Section 66A of the Maharashtra Municipal Corporations Act,1949. Under the said Section, the Municipal Corporations were permitted to get its own functions performed by appointing agencies. The challenge in both the petitions to the Section is in the context of an appointment of agent by the Municipal Corporations to collect octroi.

2. As far as the collection of octroi in relation to the Bhiwandi Nizampur Municipal Corporation and the Ulhasnagar Municipal Corporation is concerned,

the State Government has abolished the octroi. Therefore, hereafter there is no occasion to appoint any agency to collect the octroi. Hence, as far as facts of these two matters are concerned, the issue of constitutional validity has become academic which need not be decided. Hence, we dispose off the petitions.

3. Rule is discharged. We, however, make it clear that issue of constitutional validity of Section 66A of the Maharashtra Municipal Corporations Act, 1949 is kept open.

(R.D.DHANUKA, J.)

(A.S.OKA, J.)