

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

WRIT PETITION NO. 10019 OF 2016

Rahul Krishna Chitalkar

..Petitioner

v/s.

Alandi Municipal Council & Ors.

..Respondents

Mr. R.S.Shekhawat a/w.Mr.J.B.Choudhary i/b. Raj Legal for the
Petitioner.

Mrs.M.P.Thakur, AGP for the State.

Mr.D.S.Mandkar-Hale i/b. S.B.Shetye for the Respondent No.5

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : AUGUST 26, 2016.

P.C.

1. Heard learned Counsel for the petitioner. The petitioner was the elected Councilor of the Alandi Municipal Council. He is alleged to have carried out unauthorized construction. The Municipal Council gave notice under Section 52, 53 and 54 of the MRTP Act to remove the same. Despite notice, the petitioner did not remove the same and therefore the Council decided to take action of demolition

of the said structure. When the demolition squad of the Council, including peon Ramesh Thorat went for demolition of the illegal construction. The peon Ramesh was assaulted by the petitioner and one other councilor. The records reveal that the petitioner also assaulted the Chief Officer of the Council. Hence Crime No. 14 of 2015 was registered with the Alandi Devachi Police Station against the petitioner for the offences under Section 307, 332, 341, 143, 148, 149, 426, 326(a), 353 of the IPC, and the petitioner was arrested.

2. In the light of the above facts and circumstances, the Chief Officer, Alandi Municipal Council made a representation under Section 44 of the Maharashtra Municipal Council Nagar Panchayat and Industrial Township Act, 1965 to the Collector, and the Collector after giving an opportunity to the petitioner, disqualified him under the provisions of sub section (e) of Section 44 of the said Act. The order passed by the Collector is confirmed by the Commissioner in an appeal filed by the petitioner under Section 44(4) of the said Act. Both the Collector and Commissioner have recorded concurrent finding that the petitioner has carried out unauthorized construction.

The finding of fact is recorded after giving an opportunity of hearing to the petitioner, and on the basis of the record.

3. In the above circumstances, we do not find any merit in the petition and the same is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)