

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

PUBLIC INTEREST LITIGATION NO.25 OF 2016

Gajanan Nilkanthrao Kuleriya

..vs..

The Collector, Yavatmal, District Yavatmal and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri R.S. Sundaram, counsel for the petitioner.

Shri Pravin Deshmukh, counsel for R-3.

Shri N.B. Kalwaghe, counsel for R-4.

Shri Ambarish Joshi, AGP for R-1 & 2.

**CORAM : B.R. GAVAI &
V.M. DESHPANDE, JJ.**

DATED : AUGUST 18, 2016.

Heard.

**The petitioner challenges the nomination of
respondent Nos.3 and 4 as nominated Councillors.**

**Though learned counsel for the petitioner
has urged various grounds, we are inclined to dismiss
the P.I.L. only on the ground of laches.**

**Undisputedly, resolution is passed to
nominate respondent Nos.3 and 4 by Municipal Council
on 28.12.2012. The petition is filed on 4.1.2016 i.e.
after a period of three years and one month. The only
explanation given in the P.I.L. is that when in the month
of October, 2015 the petitioner had discussion with one
Shri Rajabhau Raut, he came to know that respondent**

No.4 was illegally nominated. That shows that the petitioner is diligent in the affairs of Municipal Administration.

It is the specific case of the petitioner that only such persons, who are having specialization in the knowledge of Municipal Administration, are entitled to be nominated. An event of nomination must have been received vide publication in the newspaper after respondent Nos.3 and 4 were nominated. A person who is not having knowledge of important event taking in the Municipal Council cannot have *locus* to say that the persons who are nominated do not have sufficient knowledge in the Municipal Administration.

We are, therefore, of the opinion that the P.I.L. deserves to be dismissed only on the ground of delay and laches.

The Public Interest Litigation is dismissed.
No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

**Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)**

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