

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

WRIT PETITION No.6151 of 2015

Smt. Lilawati Kisandas Anand & 2 others.

versus.

Municipal Council, Hinganghat, Dist. Wardha through its Chief Officer and one.

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

Court's or Judge's orders

Shri N.S. Deshpande, advocate for petitioners.
Dr. Anjan De, advocate for respondent no.1.

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ

DATED : 31st August, 2016

By this writ petition, the petitioners seek a direction against the respondent Municipal Council to implement the resolution dated 08.08.2001.

Shri De, the learned counsel for the respondent, states that the petition is premature and the resolution of the Municipal Council dated 08.08.2001 cannot be implemented. It is stated that the resolution dated 08.08.2001 was challenged before the Collector, Wardha and the effect and operation of the resolution dated 08.08.2001 is suspended. It is stated that the order of the Collector is challenged before the learned Single Judge in a writ petition and the said issue is pending.

We find much force in the submission made on behalf of the respondent that unless and until the resolution dated 08.08.2001 is upheld in the proceedings initiated by the interested parties under the provisions of Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the petitioners would not have any right to approach this Court for seeking the implementation

of the resolution. If the resolution dated 08.08.2001 is upheld and if the said order attains finality, the petitioners would be entitled to file appropriate proceedings for seeking the implementation of the resolution. At this stage, when the resolution dated 08.08.2001 is suspended, the petitioners cannot seek its implementation by filing a writ petition under Article 226 of the Constitution of India.

Since the relief sought by the petitioners cannot be granted, the writ petition is disposed of with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

Hirekhan

CERTIFICATE

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

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P.A.