

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10971 OF 2017

SHOBHATAI ARVIND NALGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Deshmukh Rajendra S.
GP/AGP for Respondents 1, 2 & 6 : Shri A.B.Girase
a/w Shri Kendre S.N.

Advocate for Respondents 3 & 4 : Shri Hon V.D. Sr. Adv.
i/b Shri Gaikwad A.M.

Advocate for Respondent 5 : Shri Narwadkar M.D.

Advocate for Respondent 6 : Shri Joshi A.R.

Advocate for Respondent 8 : Shri Shelke S.T.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: October 06, 2017

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PER COURT :-

1. The petitioner has challenged the order dated 11.8.2017, placed at Annexure "B" collectively in the petition paper book, passed by the Honourable Minister for State (Urban Development), by which, the petitioner has been removed from the post of the President of the Kandhar Municipal Council, Kandhar.

2. The learned Government Pleader submits on instructions from respondent Nos.1 and 2 that the impugned order dated 11.8.2017 is being withdrawn by the Government and after hearing all the parties on the proceedings under Section 55A of

the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 an appropriate and reasoned order would be passed.

3. Shri Deshmukh, considering the above, submits that this petition can be disposed off as being infructuous. He, however, submits that as the appropriate authority would be hearing the litigating sides in the pending proceedings, the learned Government Pleader may propose the date and time for the commencement of the hearing and the proceedings may be concluded within a particular duration. He further submits that as a law abiding citizen, the petitioner had handed over charge to the Vice President, pursuant to the impugned order and then approached this Court in a Writ Petition. As such, the order of withdrawing her disqualification and unseating her being not in existence, would relegate the petitioner to the stage prior to the order dated 11.8.2017.

4. Shri Hon, learned Sr. Advocate appearing on behalf of respondent No.4 submits that the proceedings could be concluded within 4 to 6 weeks and as such, this Court may set a time frame.

5. Learned Government Pleader submits that the parties may appear before respondent No.2 on 24.10.2017 at 3.00 PM. and thereafter, shall abide by the dates and time in the matter. He submits that the hearing could be completed within two weeks and a reasoned order could be passed within two weeks thereafter.

6. Considering the above, since the impugned order is said to have been withdrawn, this petition is disposed off with the following observations on the basis of the statements recorded, as above:-

(A) All the litigating sides would appear before respondent No.2 - Honourable Minister on 24.10.2017 at 3.00 PM and thereafter, abide by the dates of hearing in the matter.

(B) The litigating sides are at liberty to place written notes of submissions on record, if desired, in addition to those that may have been submitted earlier and the hearing before respondent No.2 would be concluded by the 4.11.2017.

(C) Respondent No.2 would be at liberty to deliver a reasoned order on/or before 24.11.2017.

(D) The litigating sides would be precluded from seeking adjournments and respondent No.2 would be entitled to reject adjournment applications, if they are found to be based on trivial and unreasonable grounds.

(E) On the date of pronouncement of the order by respondent No.2, which date would be informed to the litigating sides, the parties would remain present and would receive copies of the order passed forthwith.

(F) In view of the above, the consequence of restoration of charge with the petitioner would naturally follow.

(RAVINDRA V. GHUGE, J.)

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