

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.164 OF 2016

Kakasaheb Damodhar Kakde ..Petitioner

Vs.

The State of Maharashtra
and ors. ..Respondents

--

Mr.C.V.Thombre, Advocate for petitioner

Mr.A.B.Girase, G.P. for respondents

--

**CORAM : V.M. KANADE AND
SANGITRAO S. PATIL, JJ.
DATE : JANUARY 18, 2017**

PER COURT :

Heard.

2. By this Public Interest Litigation (P.I.L.), the petitioner is seeking following reliefs :-

"A) This Public Interest Litigation may kindly be allowed;

B) By issuing an appropriate writ, order or direction, the amendment to

Maharashtra Act No.XXXII of 2016 published in official gazette dated 24.08.2016 by amending Section 3 of Maharashtra Legislative Members' salaries and allowance by amendment in sub-Section 4 and amendment of Section 6 and also amendment to the Maharashtra Legislative Members' pension Act, 1976 and amendment of Section 3 of Act 1977 may kindly be struck down being unconstitutional;

C) Any other suitable order may kindly be passed in the interest of justice."

3. The learned Government Pleader appearing for the respondents submits that an identical P.I.L. was filed at the Principal Seat at Bombay being Public Interest Litigation No.148 of 2016 wherein, the Division Bench, by order dated 23.09.2016, repelled the contentions of the petitioner therein and dismissed the P.I.L. He tenders across the Bar a copy of the said order.

4. We have gone through the order dated 23.09.2016 passed in Public Interest Litigation No.148 of 2016. In our view, for the reasons given in the said order, the issue raised in the present P.I.L. has already been decided by the Division Bench in the said P.I.L. We are, therefore, not inclined to entertain this P.I.L.

5. The Public Interest Litigation, therefore, stands disposed of for the reasons given by the Division Bench at the Principal Seat at Bombay vide order dated 23.09.2016 passed in Public Interest Litigation No.148 of 2016.

[SANGITRAO S. PATIL, J.]

[V.M. KANADE, J.]