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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8034 OF 2016

Nazir Ahmad Irshad Ahmad

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr. Ajay S. Patil for petitioner.

Mr. Bhooshan R. Mandlik i/by Mr. S. S. Patwardhan for respondent no.1.

Mr. N. R. Bubna for respondent no.2.

Ms. R. A. Salunkhe, AGP for State.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

FEBRUARY 20, 2017.

P.C.

1. Petitioner, a Corporator, has raised objection in respect of the amount spent by the Corporation consequent to resolution passed on 26/2/2015 by the Standing Committee. Learned counsel for the petitioner refers to Exhibit "E". It is submitted that more than the amount sanctioned by the Standing Committee, the Corporation spent the amount under different heads. It is submitted that the representation was lodged before the Commissioner. The Commissioner had issued show cause

notice to the City Engineers.

2. Learned counsel appearing for the Corporation submits that petitioner, a Corporator, has an alternate remedy under the provisions of the Maharashtra Municipal Corporation Act, 1949, which has not been exhausted. The work for which the amount was earmarked was got completed. The petitioner is raising issue relating to the allotment of funds for the year 2014-2015. Thereafter the Corporation sanctioned the budget for the years 2015-2016 and 2016-2017.

3. We have perused the record placed before us. In the facts, we are not inclined to exercise our extra ordinary writ jurisdiction. The petitioner being a Corporator may resort to alternate remedy as permissible in law.

4. Petition is disposed of accordingly.

(M. S. KARNIK, J.)

(NARESH H. PATIL, J.)