

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4995 OF 2017

Vishwanath Ramdas Bhagat ... Petitioner
Vs.
The Divisional Commissioner, Konkan Division & others ... Respondents

AND
WRIT PETITION NO.5330 OF 2017

Vikrant B. Chavan ... Petitioner
Vs.
The Divisional Commissioner, Konkan Division & others ... Respondents

Mr. Y. S. Jahagirdar, Senior Advocate i/b. Mr. Rajesh Behere for Petitioner in W.P. No.4995 of 2017.

Mr. Saurabh Butala for Petitioner in W.P.No.5330 of 2017 and for Respondent No.6 in W.P.No.4995 of 2017.

Mr. S. D. Rayrikar, AGP for Respondent No.1.

Mr. N. R. Bubna for Respondent No.2-Thane Municipal Corporation.

Mr. S. M. Gorwadkar i/b. Mr. Ajit Pitale for Respondent No.3 in W.P.No.4995 of 2017.

Mr. R. S. Apte, Senior Advocate i/b. Mr. Saurabh Oka for Respondents No.4 and 5.

Mr. P. K. Dhakephalkar, Senior Advocate i/b. Mr. B. G. Tangsali for Respondent No.13.

CORAM : R. G. KETKAR, J.

DATE : MAY 03, 2017

P.C. :

Heard learned Counsel appearing for the parties.

2. Mr. Jahagirdar, learned Senior Counsel and Mr. Butala, learned Counsel for petitioners submit that after the learned District Judge allowed the appeal on 20.04.2017, on the same day, General Body Meeting was convened for nominating Councilors to the Standing Committee among other Committees in terms of Section 31A of the Maharashtra Municipal Corporations Act. In view of this development,

Petitions are rendered infructuous.

3. It was submitted that the matter was heard on 26.04.2017 and was adjourned to 03.05.2017 i.e. till today. It was made clear that all the actions shall be subject to the further orders of this Court and no equity shall be claimed by any party. It is submitted that as the Writ Petitions have become infructuous, it may be clarified that all the actions shall be subject to further orders of the District Court in the pending Miscellaneous Civil Appeal and no equity shall be claimed by any party. Mr. Jahagirdar further submitted that if any party challenges resolution dated 20.04.2017 passed by the General Body of Thane Municipal Corporation, it may be clarified that pendency of the proceedings shall not preclude the Court seized of the challenge to proceed with the Suit and decide the Suit / interim application, uninfluenced by the observations made in the orders.

4. In view of these submissions, Petitions are disposed of as infructuous. It is made clear that all actions shall be subject to further orders of the District Court in Miscellaneous Civil Appeal No.96 of 2017 arising out of order dated 28.04.2017 and no equity shall be claimed by any party. It is further made clear that if any party challenges resolution dated 20.04.2017, pendency of the proceedings will not preclude the Court seized of the matter to proceed with the matter and the Suit / interim application shall be decided uninfluenced by the observations made in the order passed in the pending proceedings. Order accordingly.

(R. G. KETKAR, J.)