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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5559 OF 2015**

Smt. Trupti Avdhoot Malvi ...Petitioner  
Vs.  
State of Maharashtra & Anr. ...Respondents

Mr. Rahul P. Walvekar i/b. Mr. Nikhil N. Pawar,  
Advocate for the Petitioner  
Mrs. K.R. Kulkarni, AGP for the State Respondent No.1  
Mr. Abhijit M. Adagule, Advocate for Respondent No.2

**CORAM : M.S. KARNIK, J.  
DATED : 10<sup>TH</sup> APRIL, 2017**

PC. :

1. Heard both sides.
2. Pursuant to the resolution dated 20th March, 2015 passed by Respondent No.2 Kolhapur Municipal Corporation recommending disqualification of the Petitioner in view of Sections 13(1)(a) and (b) subject Nos. 26 and 27, the Hon'ble Minister (Urban Development) after hearing the Petitioner passed the impugned order dated 17th June, 2015 disqualifying the Petitioner as a Corporator and consequently as a Mayor by invoking the provisions of Section 13 of the Maharashtra Municipal Corporation Act, 1949.

3. The Respondent No.1 on 3rd June, 2015 had issued a show-cause notice to the Petitioner for remaining present for the hearing. Accordingly a detailed representation and written submissions were filed on behalf of the Petitioner in support of her contentions. The Petitioner was heard on 10th June, 2015. Perused the impugned order. The order passed by the Hon'ble Minister (Urban Development) is a nonspeaking order. In this view of the matter I am inclined to set aside the impugned order dated 17th June, 2015 and remand the matter back to the Hon'ble Minister (Urban Development) for hearing the matter afresh and pass a speaking order in accordance with law.

4. The Petitioner shall remain present before the Hon'ble Minister (Urban Development) on 24th April, 2017 at 3.00 p.m when the Hon'ble Minister may fix the further schedule of the hearing.

5. Upon hearing the Petitioner the Hon'ble Minister may pass a speaking order in accordance with law.

6. The Writ Petition is disposed of.

**(M.S. KARNIK, J.)**