

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.480/2013

Sarfaraz Khan s/o Jilani Khan and others

...Versus...

State of Maharashtra, Through its Secretary, Department of Women and Child Welfare, Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri F.T. Mirza, Counsel for the petitioners
Mrs. H.N. Prabhu, AGP for the respondent nos.1, 2, 4 & 5
Shri N.S. Khubalkar, Counsel for the respondent no.3
Shri A.B. Mirza, Counsel for the respondent no.9

**CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.**

DATE : 26.07.2017

By this petition, the petitioners challenge the order of the Chief Officer dated 11/1/2013 as also the enquiry report dated 2/7/2012.

The learned Counsel for the respondents raise a preliminary objection to the tenability of the writ petition. It is stated that since the order is passed by the Chief Officer under Section 79 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the petitioners would have a right to file an appeal against the said order under Section 79 (6) of the Act. It is stated that without availing the alternate remedy of filing an appeal before the Standing Committee of the Municipal Council, the petitioners have rushed to this Court.

Shri Mirza, the learned Counsel for the petitioners states that the petitioners would file an appeal before the Standing Committee of the Municipal Council but the challenge raised by the petitioners to the enquiry report may be kept open.

It is stated that since the impugned orders were stayed by an order dated 29.1.2013 and the said order is in force till date, the interim relief may be continued for a period of three weeks.

The request made on behalf of the petitioners is just and reasonable. Hence, we dispose of the writ petition by continuing the interim relief for three weeks and keeping the point in regard to the challenge to the enquiry report dated 2.7.2012, open. No order as to costs.

JUDGE

JUDGE

Wadkar