

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

101 WRIT PETITION NO. 4217 OF 2018

M/S AL JILAAN CONTINENTAL FOODS THROUGH ITS
PARTNER KHAN HASEEB UMAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. N.T.Tribhuwan, Advocate for Petitioner
Mr. S.G.Karlekar, AGP for Respondents-State
Mr. V.S.Bedre, Advocate for Respondent No.2
Mr. R.D.Biradar, Advocate for Respondent No.3
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**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.**

DATE : 15.10.2018

PER COURT :-

1. The Municipal Council, Sangamner constructed a modern slaughter house under the scheme formulated by the State Government and the same was handed over to Respondent No.3 on lease basis for a period of three years commencing from 01.11.2014 till 31.10.2017. The period prescribed under the lease agreement expired on 31.10.2017.

2. The Municipal Council had also adopted a resolution on 31.05.2014 for entering into a long term lease with Respondent No.3 for a period of 30 years and the same was required to be forwarded to the State Government through

the Collector under Section 92 of The Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act. It appears that the aforesaid resolution adopted on 31.05.2014 was not forwarded to the State Government. The Municipal Council again adopted another resolution on 28.11.2017 proposing to hand over the afore said modern slaughter house in favour of Respondent No.3 on lease basis of long lease for a period of 30 years. Though the resolution was adopted on 28.11.2017, the same was not forwarded to the Collector for further transmitting it to the State Government until 03.07.2018. It appears that the resolution has been forwarded to the State Government only after receipt of notice of this petition. The action of the Municipal Council in adopting the resolution and not forwarding the same to the State Government deserves to be viewed seriously. The petitioner has an alternate remedy available for redressal of the grievance. The petitioner may tender an objection to the Collector under Section 308 of the Act of 1965 which shall be considered by the Collector on its own merits. The Collector shall also consider the aspect of delay in forwarding the resolution to the Collector.

3. The resolution dated 31.05.2014, though stated to have been adopted by the Municipal Council has not at all been forwarded to the State Government. This approach of the Municipal Council shall have to be viewed seriously and appropriate decision shall have to be taken by the Collector in accordance to the provisions to law. The petitioner shall tender his objection to the Collector within a period of two weeks from today and the Collector shall take appropriate decision thereon in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of the complaint / representation.

4. With the directions as above, the Writ petition is disposed of.

(MANGESH S. PATIL, J.)

(R.M.BORDE, J.)

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vmk/-