

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

WRIT PETITION NO. 6163 OF 2018

Rajendra S/o. Jagannath Pawar ,
Age - 48, Occu - Service,
R/o Sanjaynagar, Shrirampur,
Taluka-Shrirampur, Dist. Ahmednagar ...Petitioner

Versus

01. The State of Maharashtra through
the Ministry of Urban Development
Department.
02. The District Collector, Ahmednagar,
03. The Chief Executive Officer,
Shrirampur Municipal Council,
Shrirampur, Dist. Ahmednagar.
04. The State Election Commission,
Maharashtra, Mumbai.
05. Sanjay S/o. Jagannath Challare,
Age : Major, Occu : Business,
R/o. Chhallare Chawl, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar ...Respondents

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for Petitioner
Mr. P.K. Lakhotiya, AGP for Respondent-State
Mr. S.T. Shelke, Advocate for Respondent No. 4

**CORAM : R.M.BORDE AND
A.M. DHAVAL, JJ.**

DATE: 6th JULY, 2018

ORAL JUDGMENT (Per R.M. Borde, J.)

1. Heard.
2. Rule. Rule returnable forthwith. With the consent of the parties, the petition is taken up for final disposal at admission stage.
3. We have already passed the detailed order setting out the reasons explaining as to how the order passed by the respondent No.2 on 16.04.2018 is erroneous. For the reasons recorded in the order passed by us on 21.06.2018 the instant writ petition stands allowed.
4. The order impugned in this writ petition passed by respondent No.2 is quashed and set aside.
5. It also needs to be recorded that although the statutory appeal is pending with the State Government, we are of the considered opinion that no fruitful purpose would be served in referring the petitioner to the appellate court. The contentions raised by the petitioner and the legal position recorded in the order passed by us is uncontroverted and as such, in spite of the availability of

alternate remedy for the petitioner, we deem it appropriate to exercise extraordinary jurisdiction conferred under Article 226 of Constitution of India.

6. The order passed by us on 21.06.2018 shall be construed as a part of the instant order passed by us.

7. Rule is made absolute accordingly with no order as to costs.

(A.M.DHAVALA)
JUDGE

(R.M.BORDE)
JUDGE

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