

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

56 WRIT PETITION NO. 8273 OF 2018

RAJENDRA RAMCHANDRA NAGARKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. Reddy Ajinkya
AGP for Respondents : Mr. P.S.Patil

CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JULY 23, 2018

O R D E R :

Heard learned counsel for the petitioners and
learned AGP.

2. Mr.Reddy, learned counsel submits that the resolution passed by the Municipal Corporation itself is without jurisdiction. The power to increase rent vests with the Commissioner of the Municipal Corporation. On the basis of the resolution passed without jurisdiction notice under Section 81-B of the Maharashtra Municipal Corporations Act, 1949 is issued.

3. All these contentions can be raised by the petitioner if the petitioner is required to file appeal against the order passed under Section 81-B of the Maharashtra Municipal Corporations Act, 1949.

4. In view of above, we dispose of the Writ Petition with liberty to the petitioners to avail alternate remedy. In that event, all contentions are kept open. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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