

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
17 WRIT PETITION NO. 7811 OF 2016**

SHIVAJI AMRATRAO GONDKAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Ankush N. Nagargoje, Advocate for the Petitioner.

Mr. S. B. Joshi, AGP for Respondent-State.

Mr. Ashwin V. Hon, Advocate for the Respondent No.3.

...

**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 31st OCTOBER, 2018.

PER COURT:-

1. Mr. Nagargoje, learned counsel for the petitioner submits that the necessary direction be given to respondent no.1 to convert the Nagar Panchayat, Shirdi, District Ahmednagar into a Municipal Council. The proposal is already forwarded by the Collector on 13.04.2016 for converting Nagar Panchayat, Shirdi into a Municipal Council. The respondent no.1 has not taken steps pursuant to the proposal. The learned counsel relies on Article 243-Q of the Constitution of India to buttress his submission.

2. Mr. Hon, learned counsel appearing for respondent no.3-Nagar Panchayat, Shirdi submits that the Collector has already forwarded the proposal on 13.04.2016 for taking necessary steps

to convert the Nagar Panchayat, Shirdi into a Municipal Council. It is for the respondent no.1 to take decision upon it.

3. Mr. Joshi, learned A.G.P. submits that respondent no.1 has filed affidavit. The proposal is received by respondent no.1 for converting the Nagar Panchayat, Shirdi into Municipal Council. In fact, respondent no.1 had directed the respondent nos.2 and 3 to forward the proposal for converting the Nagar Panchayat, Shirdi into Municipal Council. The proposals forwarded by respondent nos.2 and 3 are under consideration with respondent no.1.

4. It appears that, after the petition is filed the elections of Nagar Panchayat, Shirdi are conducted.

5. Be that as it may, the proposal is already forwarded by the Collector on 13.04.2016 for taking necessary steps to convert Nagar Panchayat, Shirdi into Municipal Council (Smaller Urban Area).

6. As it is stated in affidavit by respondent no.1 that the proposal submitted for converting the Nagar Panchayat, Shirdi into Municipal Council is under active consideration of respondent no.1, no further orders are required to be passed. Naturally, the procedure will have to be followed for converting the Nagar Panchayat, Shirdi into Municipal Council. The respondent shall adhere to

the procedure laid down therein and shall take steps accordingly.

7. Writ Petition accordingly disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/October-18

Devendra
Nandkumar
Kale

Digitally signed
by Devendra
Nandkumar Kale
Date: 2018.11.01
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