

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.11050 OF 2018

Abul Hasan Ali Khurram Ali Hashmi

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.Sanket S. Kulkarni, advocate for the petitioner.

Mr.A.B.Girase, Government Pleader for Respondents No.1.

Respondent No.3 deleted.

Mrs.Anjali Dube (Bajpai), advocate for Respondent No.2 & 4.

**CORAM : R.M.BORDE &**

**MANGESH S. PATIL, JJ.**

**DATE : 24<sup>th</sup> October, 2018**

**PER COURT:**

1           The petitioner is objecting to the action taken by the General Body of Municipal Corporation referring the issue as regards acceptance of nominations received for the post of nominated councilor to the State Election Commission for re-verification.

2           According to the petitioner, such a procedure adopted by the General Body is unknown to law and in fact the Mayor, can take appropriate decision in consonance with the provisions of Maharashtra Municipal Corporations (Qualification and Appointment of Nominated Councilors) Rules, 2012.

3           Learned Counsel appearing for Respondent No.3- Municipal Corporation, on instructions, states that though such a

resolution has been adopted in the General Body meeting, however, the Commissioner, taking into consideration relevant regulations, has refrained from referring the matter to the State Election Commission.

4            Since the resolution adopted by the General Body has not been implement, the only course open for the Municipal Corporation is take appropriate decision on its own.

5            In view of above, grievance raised by the petitioner, in the instant petition, stands redressed.

              In view of disposal of petition, pending Civil Application does not survive and stand disposed of.

**MANGESH S. PATIL**  
**JUDGE**

**R.M.BORDE**  
**JUDGE**

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