

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4063 OF 2015

Peth Vadgaon Municipal Council ... Petitioner.
V/s.
State of Maharashtra and ors ... Respondents.

Mr. Aditya Bhagat I/b Ms P.V. Thorat for the Petitioner
Mr. P.G. Sawant, AGP for Respondent Nos.1 to 4.
Mr. N.V. Bandiwadekar for Respondent No.5.

CORAM : A.S. OKA AND M.S. SONAK, JJ.
DATE : 15th OCTOBER 2018.

P.C.:

1] The order dated 1st October 2018 reads thus:

“1 Time is sought on behalf of the petitioner. By way of last chance, we adjourn this petition till 15th October 2018. To be listed high upon board. Our attention is invited to cause title of the petition as well as the affirmation clause of the petition. This petition is purportedly filed on behalf of the Municipal Council under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 by an Assistant Office Superintendent who has also affirmed the petition.

2 We direct the Chief Officer of the petitioner to file an affidavit stating whether the Municipal Council had authorised the Assistant Office Superintendent to file the present writ petition. Such affidavit shall be filed on or before 12th October 2018. No further time shall be granted.”

2] Today, the learned counsel appearing for the petitioner seeks time of two weeks on the ground that the Chief Officer of the Municipal Council is busy in *Swachha Bharat Abhiyan*. This is no ground to seek an adjournment. The cause title of the petition shows that on behalf of the petitioner – Municipal Council, the Assistant Office Superintendent has

purported to file this petition and even the affidavit in support/verification of the petition is of the same Assistant Office Superintendent Shri.Vijay K. Sahane.

3] We have perused the Vakalatnama of the petitioner in the second part. Even the Vakalatnama is signed not by the Chief Officer, but by the same Assistant Office Superintendent Shri Vijay K. Sahane. Neither in the petition nor in the verification, there is an assertion that Shri. Vijay Sahane has been authorised by the petitioner – Municipal Council to file this petition.

4] Perusal of the second part of the petition shows that along with Vakalatnama, no document evidencing authority of the Assistant Office Superintendent to sign the Vakalatnama and to file present petition on behalf of the petitioner – Municipal Council has been filed.

5] We, accordingly, dismiss the petition on the ground that the same has been filed on behalf of the petitioner – Municipal Council by an Officer / employee who is not authorised to file the same. In the event, on the date of filing of the petition, there was a proper authorisation in accordance with law in favour of Shri Vijay Sahane, we grant liberty to the petitioner to apply for revival of this petition.

(M. S. SONAK, J.)

(A.S.OKA, J.)