

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2055 OF 2018**

Milind Madhav Patankar

..Petitioner

vs.

The Municipal Corporation through
Commissioner and Ors.

...Respondents

Mr.Siddharth C. Wakankar for the Petitioner.

Mr. R.S. Apte, Senior counsel a/w. Mr. Ketan Dhavale, Mr. M. S. Lagu i/b
Mr. N. R. Bubna for the Respondents.

**CORAM : A.S. OKA & P. N. DESHMUKH, JJ.
DATE : 15th FEBRUARY, 2018**

P.C.:

. Not on board. Taken on board.

2. Mr.Wakankar, the learned counsel for the Petitioner states that the Petitioner is an elected councilor of the Municipal Corporation. The prayer for a writ of mandamus is made for preventing the said Corporation from taking up subject/Agenda item No.1987 in the General Body Meeting proposed to be held on 20th February 2018. The submission of the learned counsel for the Petitioner is that for various reasons, the said Agenda item cannot be considered in the meeting scheduled to be held on 20th February 2018.

3. Merely because a particular subject is kept on Agenda, it does not necessarily mean that the General Body Meeting would approve the same. Moreover the Petitioner being an elected councilor can always raise an objection in the General Body Meeting for considering the said Agenda item on the grounds which are set out in the Petition and on all other available grounds.

4. At this stage, the Writ Court exercising jurisdiction under Article 226 of the Constitution of India cannot interfere with the Agenda of the General Body meeting of the Municipal Corporation proposed to be held on 20th February 2018. We decline to entertain the Petition. The petition is accordingly rejected. We make it clear that we had made no adjudication on the merits of the case. All contentions on merits raised by the Petitioner are kept open.

(P.N. DESHMUKH, J)

(A.S. OKA, J.)