

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5715 of 2015**

Bharat Ganesh Jagtap and anr.Petitioners
versus
The State of Maharashtra and ors.Respondents

Ms. Vrushali Raje I/b. Mr. P. N. Joshi, advocate for the petitioners.
Mrs. M. P. Thakur, AGP for the State.
Mr. S. S. Patwardhan, advocate for the respondent No.2.
Ms. M. S. Salekar I/b. Mr. N. R. Bubna, advocate for the respondent No.3.

**CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.**

DATE : 12th DECEMBER, 2018.

P. C. :

Heard learned counsel and learned AGP appearing for the respective parties.

2. By this petition, the petitioners are challenging the Standing Committee Resolution No.673 dated 24th January, 2011, whereby the period of agreement/tender for collection of advertisement fees granted in favour of the respondent No.3 was extended by 11 years. During the pendency of this petition, in respect of this resolution, the Commissioner of the respondent No.2 made reference to the State Government under Section 451 of the Maharashtra Municipal Corporation Act, 1949 (for short "the Act") to suspend or rescind the said resolution. The State

Government took a decision thereby directing the Standing Committee to review its decision regarding extension of the tender period taken under the Standing Committee Resolution No.673. The respondent No.2- Corporation thereafter passed a fresh resolution being Resolution No.420 dated 21st July, 2016. By this resolution, the Corporation maintained the earlier Resolution No.673. The Commissioner, thereafter, made a fresh reference to the Government under Section 451 of the Act to suspend or rescind this resolution on 5th October, 2017, a copy of which is annexed at "Exhibit-K", page 44.

3. The learned counsel for the petitioners submitted that the grievance raised in the petition would be redressed if directions are given to the State Government to decide the reference made by the Commissioner of the respondent No.2 under Section 451 of the Act regarding Resolution No.420 dated 21st July, 2016. Learned AGP has submitted to the orders of the Court.

4. In the light of the above, we are of the considered view that the petition can be disposed of by directing the State Government/Urban Development Department to decide the reference dated 5th October, 2017 made under Section 451 of the Act by the Commissioner of the respondent No.2, a copy of which is annexed at "Exhibit K", page - 44, as

expeditiously as possible and, in any case, within a period of four weeks from the date of receipt of this order. Ordered accordingly.

5. The Urban Development Department of the State Government shall decide the reference dated 5th October, 2017, made under Section 451 of the Act independently on its own merits and in accordance with law and communicate the decision to the respondent No.2 and the present petitioners also. In order to enable the Urban Development Department of the State Government to comply with this order, the petitioners shall remain present before the Principal Secretary of the Urban Development Department, State of Maharashtra, on 19th December, 2018 at 11.00 a.m. along with copy of the reference under Section 451 of the Act as well as copy of this order.

6. The writ petition stands disposed of.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]