

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 20 OF 2018**

Motwani Jayesh Gope @ Amritpal Singh Khalsa Petitioner
Versus
Ambarnath Municipal Council & Ors. Respondents

**WITH
CIVIL APPLICATION NO. 4 OF 2018
IN
WRIT PETITION NO. 20 OF 2018**

Motwani Jayesh @ Amritpal Singh Khalsa Applicant

In the matter between :

Motwani Jayesh Gope @ Amritpal Singh Khalsa Petitioner
vs.
Ambernath Municipal Council & Ors. Respondents

Mr.Motwani Jayesh Gope @ Amritpal Singh Khalse, Petitioner in person.
Mr. B.D.Joshi for Respondent Nos. 1 & 2.
Mrs. M.P.Thakur, AGP, for the State.

**CORAM : RANJIT MORE AND
SMT. SADHANA S.JADHAV,JJ.
DATE : 7th March, 2018.**

P.C. :

We have heard the petitioner in person, Mr. Joshi for
respondent Nos. 1 and 2 and the learned AGP for the State.

2. The above Petition is filed seeking direction to the

Government for implementation of the provisions of Section 81(8) of the Maharashtra Municipal Councils, Nagar Panchayat and Industrial Townships Act, 1965 (hereinafter referred to as “the said Act”) in letter and spirit. The petitioner has also sought direction to the Government to constitute a Committee or Commission to watch, analyze and inspect that all the local bodies in Maharashtra, like Municipal Councils, Improvement Trusts, Panchayats are acting as per the mandates of the various Acts under which those are being constituted.

3. The grievance of the petitioner is that Respondent No.1 – Ambarnath Municipal Council does not allow the petitioner to attend meetings of the General Body Meeting. It is the contention of the petitioner that it is his statutory right to attend Annual General Meeting under Section 81(8) of the said Act.

4. On behalf of Respondent No.1, Mr. Devidas Gangadhar Pawar, Chief Officer of Respondent No.1 has filed an affidavit. In paras 4 and 5, the following averments have been made :-

“4. At the further outset I deny that the petitioner has a Fundamental Right to attend the Ambarnath Municipal Council's Meeting as per Section 81 [8] of the Maharashtra Municipal Councils, Nagarpanchayats and Industrial Townships Act, 1965. I say that the same is not a

Fundamental Right, but purely a Statutory Right and if they are Statutory rights they are subjected to the limitations in the statute. I say and submit that the Petitioner has only a right to attend the Meetings of the Ambernath Municipal Council through the place reserved for public and the Petitioner cannot claim right for active participation during the Meetings of the Ambernath Municipal Council as per his contentions in the Petition, since he is not a Councillor duly elected from Ambernath neither he is a residence of Ambernath because from the cause title it seems that he is a resident of Ulhasnagar.

5. *This Respondent therefore humbly submits that the Petitioner can attend the Meetings of Ambernath Municipal Council through the Public place reserved for public and subject to the limitations prescribed in the said Section and the said Section is only meant for observation and not for active participation and/or the Petitioner cannot claim any right that he must be given a seat during th Ambernath Municipal Council's Meeting.”*

5. In the light of the above, the Petitioner is allowed to attend meetings of the General Body Meeting of Ambernath Municipal Council subject to the limitations prescribed under the relevant provisions of law. Thus, the grievance of the petitioner made in the Petition stands redressed.

6. The Petition is accordingly disposed of.

7. The Civil Application also stands disposed of.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE,J.]