

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 10904 OF 2018

**Syed
Rehmat
Pasha**

Mr. Swapnil Milind Bagul

... Petitioner

Vs

Digitally signed
by Syed Rehmat
Pasha
Date: 2018.10.01
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1 The Ulhasnagar Municipal Corpn.
Thane and Anr.

... Respondents

Mr. M.D. Naik i/b Nitin A. Ghawre for the Petitioner.

Mr. Nikhil Chavan for the Respondent No.1.

Mrs S.D. Vyas, 'B' Panel Counsel for the Respondent Nos.3 to 6.

**CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

THURSDAY, 27TH SEPTEMBER, 2018

P.C. :

1 This matter was posted today only to take care of the apprehension of the petitioner that the authorities may allow the second respondent, who is disabled from continuing as Councillor, to participate and vote in the proceedings to elect a new Mayor which are scheduled on Friday, the 28th September, 2018.

2 On such a Writ Petition, time was granted so that the Corporation informs us with regard to our query and raised during the course of arguments on the above lines.

3 After taking instructions, it it stated that the amendment brought to section 10 of the Maharashtra Municipal Corporation Act, and particularly the sub-sections 1A, 1B(a), the concerned Councillor - second respondent before us having failed to bring in the certificate of validity from the competent Scrutiny Committee, has become disqualified by operation of law. In terms of these clauses of the sub-sections 1B and 1C of section 10, there is nothing that the Corporation can adjudicate. The disqualification follows immediately upon failure to produce such a certificate of validity. Now, it is informed that the Corporator will not be allowed to vote at the elections. Once he stands disqualified and is now not being permitted to cast his vote, the Writ Petition works out itself. It is thus disposed of.

B.P. COLABAWALLA, J.

S.C. DHARMADHIKARI, J.