

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 13301 OF 2018

Smt. Sneha Nitin Dasavate

...Petitioner

Versus

Shri. Sandeep Rongu Kharangate

And others

...Respondents

WITH

Writ Petition NO. 13268 OF 2018

With

Writ Petition NO. 13394 OF 2018

....

Mr. P.D. Dalvi, Advocate for the Petitioners.

Mr. P.M. Patil a/w. P.B. Gole, Advocate for Respondent No.1.

Mr. P.P. Pujari, AGP for Respondents No.2 to 4.

Mr. Asif I.I. Patel, Advocate for Respondent No.5.

Mr. Satish Moghe, Deputy Secretary of Urban Development Department is present in person.

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CORAM : R. G. KETKAR, J.

DATE : 27th NOVEMBER, 2018

P.C.

1. Heard Mr. P.D. Dalvi, learned counsel for the Petitioners, Mr. P.M. Patil, learned counsel for Respondent No.1, Mr. P.P. Pujari, learned AGP for Respondents No.2 to 4-State and Mr. Asif I.I. Patel, learned counsel for Respondent No.5, in all the petitions, at length.

2. These petitions take exception to the order dated 20.10.2018 passed by the Collector, Raigad in Disqualification Applications No.50/2018, 51/2018 and 52/2018. By these orders, respondent No.2 Collector, Raigad has disqualified the petitioners as members of

Mangaon Nagar Panchayat, Taluka – Mangaon, District – Raigad by invoking the provisions of Section 3(1)(b) of the Maharashtra Local Authority Members Disqualification Act, 1986 (for short, 'Act'). One of the contentions raised by Mr.Dalvi is that the provisions of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 as also the provisions of the Act are not applicable to the Nagarpanchayats. The Collector, Raigad had, therefore, no jurisdiction to entertain and try the dispute applications filed against the petitioner. He also relied upon the decision of this Court in the case of **Jyoti Pratapsingh Chandel and others V. Collector, Nanded and others, 2016(6) Mh.L.J. 165.**

3. Mr. Pujari states that Mr.Satish Moghe, Deputy Secretary of Urban Development Department, Mantralaya, Mumbai is present in the Court today. Upon taking instructions from him, Mr. Pujari states that the Hon'ble Minister for State of Urban Development Department is available in Mumbai on 11th & 12th December, 2018. He submits that the parties may be directed to appear before the Hon'ble Minister at 2:30 p.m. on 11th December, 2018. If the time permits, the Hon'ble Minister will proceed with the matters or will hear the parties on the following day i.e. 12th December, 2018. He further states that within two weeks therefrom, the decision will be taken and communicated to the parties.

4. In view thereof, the Petitions are disposed of in following terms:

- (i) The parties shall appear before the Hon'ble Minister for State, Urban Development Department, Mantralaya, Mumbai at 2:30 p.m. on 11.12.2018 and for that purpose no fresh notice be issued to them. If time permits the Hon'ble Minister will hear the parties on 11.12.2018 or on the following day i.e. 12.12.2018.
- (ii) The Hon'ble Minister is requested to pass order in accordance with law within two weeks of hearing of the matters and communicate the same to the parties.
- (iii) During pendency of the proceedings before the Hon'ble Minister, the impugned orders dated 20.10.2018 passed by the Collector, Raigad in Disqualification Applications No.50/2018, 51/2018 and 52/2018 shall be kept in abeyance as also for a further period of two weeks from the date of communication of the decisions thereon, if it is adverse to the petitioners.
- (iv) All contentions of the parties on merits are expressly kept open.
- (v) Order accordingly.

(R. G. KETKAR, J.)