

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO. 19 OF 2018

**REKHA MALLIKARJUN KANMANDE & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

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Mr.A.N.Sabnis, Advocate for the petitioners
Mr.S.B.Yawalkar, Addl.G.P. for Respondent –
State
Mr.P.B.Gapat, Advocate for respondent no.3.
Mr.Ajinkya Reddy, Advocate for respondent
no.2.

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**CORAM: S.S.SHINDE &
R.G.AVACHAT,JJ.
DATE : 11.01.2019**

ORDER:

1] At the outset learned counsel appearing for the respondent–Municipal Council has brought to the notice of this Court that both the petitioners were party to the Resolution passed by the Municipal Council on 25th June, 2008. The sum and substance of the contentions of the learned counsel appearing for the respondent – Municipal Council and also learned Additional Government Pleader is that the petitioners

themselves were party to the Resolution and also interested in the affairs of the Municipal Council, and therefore, at their instance this Public Interest Litigation is not maintainable.

2] In our opinion, the petitioners if they were involved in the functioning of the Municipal Council or party to the Resolution / Resolutions passed by the said Municipal Council, and if they are aggrieved due to contrary view taken by the Municipal Council, a remedy to approach the State Government is available under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965. In that view of the matter, it was not appropriate on the part of the petitioners to invoke extraordinary jurisdiction of this Court and file the Petition.

3] In that view of the matter, on the ground of locus itself Petition deserves to be rejected, and accordingly, Public Interest Litigation stands dismissed.

4] The amount deposited by the petitioners in this Court shall be diverted to the High Court Legal Services Sub-Committee, Aurangabad.

[R.G.AVACHAT]
JUDGE

[S.S.SHINDE]
JUDGE