

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

WRIT PETITION NO.3638 OF 2019

**SAYYAD JAVED ALI SAMSHER ALI
VERSUS
IBRAHIM ALIAS ARIF KADIR DESHMUKH AND OTHERS**

Mr. P.B. Shirsath, Advocate for the petitioner
Mr. K.S. Patil, AGP for the respondent/State
Mr. S.T. Shelke, Advocate for respondent No.3.

**CORAM : P.R. BORA, J.
DATED : 18.03.2019**

PER COURT :-

1. Heard Shri. Shirsath learned counsel appearing for the petitioner. It is submitted that the petitioner had filed a dispute before the Collector, Ahmednagar, thereby praying to disqualify respondent No.1 for holding the post of Municipal Councillor under the provisions of Maharashtra Local Authorities Members Disqualification Act, 1987. Learned counsel submits that the Collector rejected the said dispute. It is further contended that against the order so passed by the Collector the writ petition No. 4912 of 2018 was preferred by the present petitioner. However, he withdrew the same on 18.05.2018. In view of the subsequent amendment brought in the aforesaid Act, learned counsel submits that the petitioner has

preferred an appeal before the Hon'ble Minister against the order passed by the Collector. However, though the period of more than two years has lapsed, as the Minister has not even issued the notices to the other side, the petitioner has preferred the present petition challenging the order passed by the Collector. In the alternative, it is prayed that the Hon'ble Minister be directed to dispose of the appeal filed by the petitioner within a particular period.

2. As has been submitted on behalf of the petitioner the appeal filed by him against the order passed by the Collector, Ahmednagar is pending for consideration before the Hon'ble Minister. In the circumstances the petitioner cannot challenge the said order by filing a writ petition before this Court. Merely because the Hon'ble Minister has not decided the appeal would not give any right to the petitioner to challenge the order passed by the Collector by filing the writ petition before this Court. It is brought to my notice by learned counsel Shri. Shirsath that though the petitioner has made enquiries with the office of the Hon'ble Minister is not getting the proper information.

It is however asserted by the petitioner that his appeal has not been decided by the Hon'ble Minister. I do not see any reason to disbelieve the statement of the petitioner. In the circumstances it appears to me that present writ petition can be disposed of with the following order which would meet the ends of justice.

ORDER

(i) The Hon'ble Minister for State, Urban Development Department shall hear and dispose the appeal filed by the present petitioner as expeditiously as possible and preferably within a period of four months.

(ii) The Writ Petition stand disposed of in the aforesaid order.

[P . R . B O R A , J .]