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

**CIVIL APPLICATION NO. 4303 OF 2019
IN
WRIT PETITION NO.6406 OF 2016**

Nandlal S/o Hiralal Joshi
Age: 76 years, Occ: Senior Citizen,
R/o. Near Convent School,
Fort Side Road, Camp Ahmednagar,
Dist. Ahmednagar

..APPLICANT

VERSUS

1. The State of Maharashtra,
Through Chief/Principal Secretary,
General Administration Department,
Mantralaya, Mumbai-32
2. The State of Maharashtra,
Through Secretary,
Urban Development Department,
Mantralaya, Mumbai-32
3. The Municipal Corporation,
Ahmednagar & the Town Planning
Authority under M.R.T.P. Act.
- 3A. Shri. Shrikrishna Bhalsing,
Commissioner of the Municipal
Corporation, Ahmednagar
- 3B. Shri. Balasaheb Wakle Mayor
Ahmednagar Municipal Corporation,
Ahmednagar
4. The Collector, Ahmednagar,
Dist. Ahmednagar
5. The Zilla Parishad, Ahmednagar
Through its Chief Executive Officer,
Zilla Parishad, Ahmednagar

..RESPONDENTS

(2)

Mr R. R. Mantri , Advocate for applicant;
Mrs G. L. Deshpande,A.G.P. for respondent No.1, 2 & 4
Mr V. S. Bedre, Advocate for respondent No.3

**CORAM : PRASANNA B. VARALE
&
R.G. AVACHAT, JJ.**

DATED : 8th AUGUST, 2019

ORAL ORDER:

Heard Mr. Mantri, learned Counsel for the
applicant/petitioner.

2. Perused affidavit-in-reply filed on behalf of respondent No.3A. By order dated 18th July, 2019, this Court issued notice to respondent No.3B and directed respondent Nos. 3A and 3B to take all possible steps so as to convene a meeting within two weeks from the date of order i.e. 18th July, 2019. It was also directed by this Court that the decision which would be taken in the meeting be placed before this Court in the form of short affidavit and it was further observed by this court that neither respondent No. 3A nor respondent No. 3B should raise excuses on account of procedural difficulties or administrative difficulties for convening meeting within two weeks.

(3)

3. It was the submission of Mr Mantri, learned Counsel for the applicant/petitioner that in spite of such specific directions, meeting is not scheduled within stipulated period of two weeks.

4. Per contra, Mr. Kadam, learned Counsel appearing for respondent No.3B submitted that due to certain difficulties, the meeting could not be scheduled within stipulated period of two weeks and also prayed time to file affidavit-in-reply. Mr. Kadam, learned Counsel on instructions from respondent No.3B, who is personally present in this Court, submitted that the meeting is now scheduled on 14th August, 2019.

5. On perusal of the affidavit-in-reply filed on behalf of respondent No.3A i.e. Commissioner of Municipal Corporation, Ahmednagar, we are not at all satisfied with the approach of respondent No.3B. There were series of communications from respondent No.3A and the Secretary, Municipal Administration, Ahmednagar , Municipal Corporation informing respondent No.3B to convene meeting within stipulated period as directed by this Court and in spite of such communication, meeting was not convened within the period of two weeks.

(4)

6. Mr Kadam, learned Counsel appearing for respondent No.3B submitted that respondent No. 3B who is personally present in this Court tendered unconditional apology to this Court and as the meeting is scheduled on 14th August, 2019, some time be granted so that the decision in the meeting can be placed before this Court by way of affidavit and as such, there would be compliance of the order of this Court dated 18th July, 2019.

7. Though Mr Mantri, learned Counsel for the applicant/petitioner vehemently submitted that the approach of respondent No.3B be dealt with by strict order in the nature of issuance of notice of contempt to respondent No.3B, considering apology tendered by respondent No.3B and on a statement made before this Court that the meeting is scheduled on 14th August, 2019, at this stage we are not inclined to accept the request of Mr Mantri, learned Counsel for issuance of notice of contempt to respondent No.3B.

8. We direct respondent No.3B to place on record the decision which would be taken in meeting dated 14th August, 2019 by way of affidavit in this Court on or before 19th August, 2019.

9. Post the petition for hearing/ consideration on 20th

(5)

August, 2019.

10. Respondent No.3A - Commissioner of Municipal Corporation, Ahmednagar is personally present in this Court. Presence of respondent No.3A - Commissioner of Municipal Corporation, Ahmednagar is dispensed with until further orders.

11. Civil Application is disposed of accordingly.

(R.G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)

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