

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

920 WRIT PETITION NO.4266 OF 2019

DAMODHAR BABARAO SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr.Sachin S. Deshmukh
AGP for Respondents State : Mrs.M.A.Deshpande
Advocate for Respondent No.3 : Mr.Swapnil S. Patnurkar
Advocate for Respondent No.4 : Mr.N.T.Tribhuwan
...

**CORAM : PRASANNA B. VARALE AND
ANIL S. KILOR, JJ.**

DATE: 14th November, 2019

PER COURT:-

1. After arguing the matter for some time, Mr.S.S.Deshmukh, learned counsel for the petitioners prayed for withdrawal of the petition with certain directions to the Collector, Hingoli.

2. Mr.Deshmukh, learned counsel for the petitioners, by inviting our attention to the proceeding initiated before the Collector, Hingoli in the form of a challenge raised to a Resolution passed in the meeting of the Municipal Council, Kalamnuri held on 30.10.2018, submitted that though before the Collector, Hingoli, proceeding was submitted

raising a challenge to the Resolution, in view of the provisions of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act of 1965 and more particularly, in view of Section 308, no orders are passed by the Collector.

3. Mr.Deshmukh, learned counsel submitted that while deciding the representation/application dated 17.12.2018, the Collector may be directed to consider the grounds of the present petition also as the grounds were raised in brief in the representation/application and the petitioners may be permitted to submit grounds taken in the present petition before the Collector as an additional material and the Collector be directed to decide the representation/application dated 17.12.2018 expeditiously.

4. This being now a very limited prayer, the petition is allowed to be withdrawn and disposed of with the directions to the Collector, Hingoli to decide the representation/application dated 17.12.2018 considering the copy of the memo of the present Writ Petition as an additional document to the representation/application as expeditiously

as possible and not later than four weeks from today. With these directions, the present petition is disposed of.

5. The Collector may provide an opportunity of hearing to all the parties and if the parties are willing to avail the opportunity of hearing, the petitioners and other contesting parties to appear before the Collector, Hingoli on 18.11.2019.

6. Mr.Deshmukh, learned counsel for the petitioners was fair enough to submit before this Court that the petitioners had deposited an amount of Rs.1,00,000/- in this Court to show their bonafides and the petitioners be permitted to withdraw part of the amount and part of the amount may be utilized for the bonafide object.

7. In view of the statement of Mr.Deshmukh, we permit the petitioners to withdraw an amount of Rs.75,000/- out of Rs.1,00,000/- deposited in this Court and rest of the amount i.e. Rs.25,000/- be transferred to the accounts of the Child Care Center initiated by the High Court Bar Association. Amount of interest, if any accrued, be also transferred to

the accounts of Child Care Center.

8. Authenticated copy of the order be provided to the learned AGP to communicate the same to the Collector, Hingoli today itself.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

SPT