

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

4 CIVIL APPLICATION NO.8752 OF 2019
IN WP/4418/2019

ASHOK VASANTRAO GOVINDPURKAR
VERSUS
SURESH NIVRUTTI PAWAR AND ANOTHER

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Advocate for Applicant : Mr. S.P. Urgunde h/f Mr. S.V.
Natu

Advocate for Respondent No.1 : Mr. N.P. Patil
Jamalpurkar

Advocate for Respondent No. 2 : Mr. More P. P.

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CORAM : RAVINDRA V. GHUGE, J.
Date : July 29, 2019

ORAL ORDER :

1. I have heard the learned counsel for the respective sides.

2. The learned counsel jointly submits that the petition pending before the Additional Commissioner, Latur has been rightly referred to the learned Civil Court as per Section 12 of the Maharashtra Municipal Corporation Act, 1949, with regard to the disqualification of a Councillor. However, the learned counsel for the petitioner points out that since the Commissioner, Latur was only empowered to refer the

matter to the learned Civil Court, he could not have dealt with, with the merits of the matter in the order, impugned in this petition and he could not have declared that the petitioner is disqualified. He should have left it to the concerned Court to decide, whether such Councillor can be disqualified.

3. In view of above, by the consent of the parties, the civil application is disposed off.

4. This petition is partly allowed with following directions :

a) All observations made by the Divisional Commissioner, Latur in the impugned order dated 20.2.2019, about the disqualification, in petition No. 900 of 2019, shall stand set aside and the impugned order is maintained only to the extent of referring the disqualification Petition No. 900 of

2019, to the learned Civil Court as per Section 12 of the Maharashtra Municipal Corporation Act, 1949.

b) All the litigating parties shall appear before the learned Civil Court Latur, on 19.8.2019 at 11.00 a.m.

c) Formal notice need not be issued by the learned Court.

d) All the contentions of the litigating sides are kept open for the learned Court to consider while deciding the said proceeding.

(RAVINDRA V. GHUGE)
JUDGE

mahajansb/