

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6958 OF 2000

Sanjay Sampatrao Indulkar	...	Petitioner
V/s.		
The State of Maharashtra & Ors.	...	Respondents

Mr.Vijay Patil a/w. Mr.Yogesh Patil for Petitioner.
Mr.A.R. Metkari, AGP for Respondent No.1, 3 and 4-State.

CORAM : A.S. GADKARI, J.

DATE : 3rd July 2019.

P.C. :

1] The petitioner has impugned Order passed by the respondent No.2 dated 05/12/2000 under Section 55-A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (for short, "the said Act"), removing the petitioner from the office of the President of Igatpuri Municipal Council and also disqualifying him to be a Councillor for a period of six years under Section 55-B of the said Act.

2] Heard Mr.Patil, the learned counsel for the petitioner and the learned AGP for the respondent Nos.1, 3 and 4. Other respondents

are absent despite service. Perused the record annexed to the petition.

3] The learned counsel for the petitioner submitted that, the petitioner has assailed the impugned order on various grounds including *malafide* in-person against the respondent Nos.2 and 6. He submitted that, with a view to settle political vendetta against the petitioner, the respondent No.4 was prompted to submit a favourable report to the respondent Nos.2 and 6 to entail them to pass orders under Section 55-A and 55-B(b) of the said Act.

The learned counsel for the petitioner further submitted that, the impugned order was passed on 05/12/2000 and the period of six years has come to an end on 04/12/2006 and therefore, the impugned order ceases to have force. In support of his contention, he relied on a decision of this Court in the case of *Madan Babanrao Zade Vs. Hon'ble Minister of State, reported in 2007(2) Bom. C.R. 235*. He therefore prayed that, the present petition may be allowed.

4] Perusal of the record would indicate that, the impugned order was passed on 05/12/2000 under Section 55-A and 55-B(b) of the said Act. The present petition was admitted and the interim relief in terms of prayer clause (c) of the petition was granted on 13/12/2000.

By way of interim relief, the impugned order dated 05/12/2000 passed by the respondent No.2 was stayed by this Court.

5] Paragraph Nos.6 and 7 of the decision in the case of *Madan Babanrao Zade (supra)* reads as under :

6. *Even otherwise, by the impugned order dated 24.4.1998 passed by the State Government, the petitioner was disqualified under section 55-B of the Act for a period of six years and the said period was over in the month of April-2004. From this point of view also, the force of the order, in our view had come to an end in the month of April-2004 itself.*
7. *For the reasons stated herein above, the impugned order dated 24.4.1998 passed by the State Government is hereby quashed and set aside. Rule made absolute in above terms.*

6] As noted earlier, the period of disqualification of the petitioner has already come to an end on 04/12/2006. In view of the observations made by the Division Bench in the case of *Madan Babanrao Zade (supra)*, the force of the impugned order has come to an end in the month of December 2006 itself.

7] In view of the above, the impugned order dated 05/12/2000 deserves to be quashed and set-aside and is, accordingly, hereby quashed and set aside.

8] Rule made absolute in the aforesaid terms.

[A.S. GADKARI, J.]