

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5934/2017

Sayyed Aejaaz s/o Haji Sayyed Ayub Vs. The Chief Officer, Municipal Council, Patur and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri U.J.Deshpande, Advocate for petitioner.
Shri R.P.Masurkar, Advocate for respondent no.1.
Shri P.Gawai, Advocate for respondent no.2.
Shri A.M.Kadukar, Assistant Government Pleader for respondent no.3.

CORAM : A.S.CHANDURKAR, J.

DATED : September 27, 2019

The petitioner has challenged the order passed under Section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (for short, 'the said Act') in the present writ petition.

An objection is raised on behalf of the respondents that a remedy under Section 318 of the said Act to challenge that order is available but the same has not been availed by the petitioner.

Considering the fact that a statutory remedy is available to the petitioner, I am not inclined to entertain the writ petition.

With liberty to the petitioner to avail the remedy under Section 318 of the said Act within a period of four weeks from today, the writ petition is disposed of. If such application under Section 318 of the said Act is filed within a period of four weeks from today, the same shall be considered on its merits without going into the question of delay. All points raised in this petition are kept open. No orders as to costs.

JUDGE