

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5539 OF 2021**

Vaibhav Sadanand Khedekar ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Rajiv Chavan, Senior Advocate with Ms. Priyanka Chavan, Mr. Dhitendra Mishra,
Mr. Pramod Belose, for Petitioner.
Mrs. S.D.Vyas 'B' Panel Counsel, for State.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : 17th SEPTEMBER, 2021

P.C. :

1. The Petitioner who is a duly elected Mayor of Khed Municipal Council, District Ratnagiri, has filed the above Writ Petition inter alia seeking the following relief :

- “(a) Rule be issued ;
- (b) That this Hon’ble Court may please to issue Writ of Mandamus and certiorari or other writ order or direction calling for the record and proceedings in respect of Notice dated 03.09.2021 issued by the Chief Secretary of Respondent No.1 being Notice No.MUN-5521/PRA/KRA 29/NAVI 15 and after perusing the same, may please be quashed and set aside the report submitted the Respondent No.2 under Section 55(1);
- (c) That this Hon’ble Court may please to issue a writ of Mandamus and other appropriate writ order in the nature of Quo Warranto or writ of certiorari or direction directing the concerned authorities to take action against the Respondents for not examining and considering the explanation given by the Petitioner of the notice under Section 55(1) and 55(A) & (B) for

show cause notice and report under Section 55(1) by the Respondent No.2;”

2. The learned Senior Advocate appearing for the Petitioner has submitted that the Petitioner has not responded to the Notice dated 3rd September, 2021 issued by the Chief Secretary, Urban Development Department, Mantralaya, Mumbai, because the said notice is issued without following the procedure prescribed under Section 55(1) of the Maharashtra Municipal Council and City Industrial Act, 1965 as amended in 2020 (‘the said Act’).

3. Admittedly, the Petitioner at this stage is allowed to perform his functions as a Mayor of Khed Municipal Council and by the said Notice, he is only required to answer the same. We are therefore, of the view that the Petitioner should answer the notice and the Court should not interfere at this stage. We therefore, pass the following order :

(i) A copy of the report submitted by Respondent No.2 under Section 55(1) of the Act be forthwith provided to the Petitioner.

(ii) Time to answer Notice dated 3rd September, 2021 is extended by two weeks from today.

(iii) All contentions of the Petitioner are kept open.

(iv) In the event of any adverse orders being passed against the Petitioner, the same shall not be acted upon for a period of four weeks from the date of receipt of the same by the Petitioner and/or his Advocate to enable the Petitioner to

impugn the same if so advised.

(v) The Writ Petition is accordingly disposed of.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)