

R.M. AMBERKAR  
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2813 OF 2020

Laxmi Rajendra Karhadkar

.. Petitioner

**Versus**

State of Maharashtra and Ors.

.. Respondents

- .....
- Mr. A.V. Anturkar, Senior Advocate i/by Mr. Amol A. Gatne for the Petitioner
  - Mr. A.I. Patel, Addl. G.P. for the State
- .....

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

DATE : SEPTEMBER 21, 2021.

P.C.:

Petitioner who is duly elected President of Panchagani Municipal Council has filed the above Writ Petition, *inter alia*, seeking the following reliefs:-

"[A] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, quashing and setting aside the notice dated 13<sup>th</sup> March, 2020, bearing No. Nagar parishad/Kavi-1919/2020, issued by the Sub Divisional Officer Wai, Sub Divisional Wai is illegal and without authority of law.

[B] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, quashing and setting aside the letter bearing No. Sasha/Napa/1023/2020 by the District Collector Satara dated 12<sup>th</sup> March 2020, and the order passed by Honourable Minister for Urban Development on the

representation dated 13<sup>th</sup> February 2020 by the councilor of Nagar Parishad Panchgani, Taluka - Mahabaleshwar, District - Satara as illegal and bad in law.

[C] That the pending final disposal of this Writ Petition as and by way of interim-relief stay may be given to the letter dated 13<sup>th</sup> March 2020, bearing No. Nagar Parishad/Kavi-191/2020, by the Sub Divisional Officer Wai, Sub Division Wai, convening the meeting for hearing on 30<sup>th</sup> March 2020.

[D] Ad interim relief in terms of prayer Clause (C) be awarded in favour of the Petitioner."

2. Learned Senior Advocate appearing for the Petitioner has submitted that the Petitioner has not responded to the Notice / Letter dated 13.03.2020 issued by the Respondent No. 3 since the procedure prescribed under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 as amended in 2020 ("**the said Act**") is not followed whilst issuing the same.

3. Admittedly, the Petitioner is not restrained from acting as the President of the Municipal Council. The impugned notice only seeks his response to its contents by remaining present before the concerned Authority. We are, therefore, of the view that the Petitioner should remain present before the concerned Authority and put forward his say / response to the notice. In view thereof, we pass the following order:-

- (i) After the inquiry, copy of the report prepared by the concerned Authority shall be made available to the Petitioner;

- (ii) Time to respond to the Notice dated 13.03.2020 is extended by a period of two weeks from today.
- (iii) All contentions of the Petitioners are kept open;
- (iv) In the event of any adverse order 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 to the Petitioner and / or his Advocate in order to enable them to impugn the same, if so advised.
- (v) The Writ Petition is disposed off accordingly.

[ MILIND N. JADHAV, J. ]

[ S. J. KATHAWALLA, J. ]