

S.S.Kilaje

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

WRIT PETITION NO. 3439 OF 2021

Mahabaleshwar Municipal Council & Ors. .. Petitioners
Versus
District Collector, Collector Office, Satara & Ors. .. Respondents

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- Mr. Surel S. Shah i/by Ketan Joshi for the Petitioners
 - Mr. Rajan S. Pawar, AGP for Respondent Nos. 1 and 2 - State
 - Mr. Venkatesh Shewale i/by Mr. Ranjeet Sangle for Respondent No.3
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**CORAM : S. J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

**DATE : JULY 30, 2021.
(Through Video Conferencing)**

P.C.:

- . Heard the learned counsel for the parties.
2. The grievance of the Petitioner in the above Writ Petition, is that in the meeting of the Mahabaleshwar Municipal Council held on 1st April, 2021 certain resolutions were passed to which the Chief Officer of the Municipal Council had objections; The Chief Officer referred the issue to the Collector on 22nd April, 2021; The Collector failed to decide the said issue for almost 2 months and referred the same to the Director only on 01.07.2021; Since the time frame set out under Section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (the Act) is not followed, the Petitioners have impugned the inaction on the part of the authorities on the ground that the steps taken by the Collector being in

violation of the provisions of Section 308 be set aside and the resolutions which pertain to the salary, pension, etc. of the employees of the Municipal Council, be held to be valid.

3. The reason for the delay is attributed to the rise in Covid cases in Satara District. Hence, we pass the following order :

(i) The reference made by the Collector to the Additional Divisional Commissioner, Pune Division dated 15.07.2021 in respect of the above issue be heard by the Additional Divisional Commissioner on Monday i.e. 02.08.2021 at 11:00 a.m. The Additional Divisional Commissioner shall after hearing the parties and considering the written submissions filed by them, if any, pass his order before 09.08.2021.

(ii) All contentions of the parties are kept open.

4. The Writ Petition is accordingly disposed of.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]

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PRASHANT
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