

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6351 OF 2021

Dimple Narendra Thakur ...Petitioner
vs.
Jamunadas Khupchand Purswani & Anr. ...Respondents

Mr.Vijay D.Patil, for the Petitioner.

Mr.S.H.Kankal, AGP for the State.

Mr.N.R.Bubna, for Respondent No.1.

CORAM :- G. S. KULKARNI, J.

DATE :- OCTOBER 7, 2021

PC :-

1. I have heard Mr.Patil, learned Counsel for the petitioner and Mr.Bubna, learned Counsel for Respondent no.1 for some time on this petition which challenges an order dated 6 September 2021 passed by the Divisional Commissioner, Konkan Division, Navi Mumbai, on an objection application filed by the petitioner invoking the provisions of Rule 6(3)(b) of the Maharashtra Local Authority Member Disqualification Rules,1987. By the impugned order the application has been rejected.

2. A primary objection of the petitioner is to the observations made by the Divisional Commissioner in paragraph 4(b). It is his contention that such observations do not satisfy the compliance/requirement of Rule 6(b). The case

of the petitioner is that respondent no.1 ought to have disclosed the source of information.

3. On the above contentions as urged on behalf of the petitioner by Mr.Patil, Mr.Bubna, learned Counsel for respondent no.1, on instructions, makes a statement that the information which has been placed on record and which has been specifically averred before the learned Divisional Commissioner, is on the basis of respondent no.1's personal knowledge and hence, there is no question of petitioner assuming a position that the source of information has not been disclosed. Statement of Mr.Bubna is accepted.

4. In view of such statement as made by Mr.Bubna, further adjudication of petition is not warranted. The petitioner would be now required to proceed on the assumption that the source of information of respondent no.1 is his personal knowledge and again for which the source was not required to be disclosed.

5. Needless to observe that in respect of the other documents, if any, the learned Divisional Commissioner shall proceed on such issues in accordance with law.

6. Disposed of in the above terms. No costs.

(G. S. KULKARNI, J.)