

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

RAJESH  
VASANT  
CHITTEWAN

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CHITTEWAN  
Date: 2021.11.17  
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## WRIT PETITION NO.7526 OF 2021

|                         |     |             |
|-------------------------|-----|-------------|
| M/s S.S. Multy Services | ... | Petitioner  |
| Versus                  |     |             |
| District Collector,     |     |             |
| Raigad-Alibaug          |     |             |
| And Others              | ... | Respondents |

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Mr. Mahesh N. Devlekar for the Petitioner.

Ms. M.S. Bane, APG for Respondent No.1.

Mr. R.S. Datar for Respondent Nos.2 and 3.

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**CORAM : PRASANNA B. VARALE AND  
S.M. MODAK, JJ.**

**DATE : 16 NOVEMBER 2021**

P. C. :

. The Petitioner before this court is the Public Limited Company, registered under Companies Act, 1956. It may not be necessary for us to refer to other details, suffice to say that the Petitioner was awarded a contract by Respondent No.3-The Chief Officer, Matheran Hill Station Municipal Council for collection of the Capitation Tax at Respondent No.2-Matheran Hill Station Municipal Council. A copy of an agreement arrived at between the parties is placed on record at Exhibit '**B**' to the petition. The perusal of the documents, however, show that the Petitioner made certain requests to Respondent No.3-The Chief Officer, Matheran Hill Station Municipal Council, seeking

some concession on the ground that due to COVID-19 pandemic, there is a fall in the number of tourists visiting Matheran Hill Station. It seems that at the request of the Petitioner, such resolution was passed. The Petitioner was served with two communications, firstly, the order passed by the Collector, Raigad dated 1 November 2021 and a notice to the Petitioner at the instance of Respondent No.3-Municipal Council dated 03 November 2021. The order passed by the Collector is on an application submitted at the instance of one Shivaji Shantaram Shinde. Vide Order dated 1 November 2021, the Collector, Raigad suspended/stayed resolution No.837 dated 8 April 2021 as well as resolution No.840 of 27 May 2021 and vide order dated 3 November 2021, the Petitioner is directed to deposit the amount within the stipulated period. The submission of learned Counsel for the Petitioner is that the communication under caption 'Final Notice' dated 3 November 2021, is without giving any opportunity to the Petitioner. Even, it is submitted by learned Counsel for the Petitioner that the order dated 1 November 2021 is made on the application made by one Shivaji Shantaram Shinde and for this proceeding, the Petitioner was not the party. The communication dated 3 November 2021, then refers to certain hearings took place in the Chamber of the Collector, Raigad on 25 October 2021 and 1 November 2021, even to these two hearings, the Petitioner was not the party.

2     Considering all these aspects, we are of the opinion that the

Petitioner may have some grievances against the order passed by the Collector, Raigad as well as the notice issued by Respondent No.3 to the Petitioner, the Petitioner is having an alternate and efficacious remedy and as such, the petition is not maintainable. At this stage, learned Counsel appearing for the Petitioner prays for withdrawal of the petition, with liberty to avail appropriate remedies including remedy under Section 308 Sub-section (3) of Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act, 1965. Learned Counsel for the Petitioner submits that the Petitioner would also submit representations to the Collector, Raigad as well as to Respondent No.3 within one week from today. In view of these submissions of learned Counsel for the Petitioner, the petition is disposed of with liberty to the Petitioner to avail the other alternate remedies as available under the provisions of law. The Petitioner is also permitted to submit its representations to Respondent No.1-District Collector, Raigad-Alibag as well as Respondent No.3-The Chief Officer, Matheran Hill Station Municipal Council within one week from today. Needless to state that if such representations are received by the authorities referred to above, the authorities may pass appropriate orders on the applications/representations. We, however, make it clear that this court has not made any observation on the merits of the petition. With this observation, the petition is disposed of.

3 The interim order passed by this court on 8 November 2021, to continue for a period of two weeks' only.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)