

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.409 OF 2021

Mrs. Sunita w/o Ramdas Shinde ... Petitioner

- Versus -

State of Maharashtra and another ... Respondents

Shri M.P. Khajanchi, Advocate for Petitioner.

Shri D.P. Thakare, Additional Government Pleader for Respondents.

CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.

DATE : 21 JANUARY 2021

P.C. :

The Petitioner, who is a directly elected President of Municipal Council, Deulgaon Raja, has received a show cause notice on 7 Decemeber 2020 from the State Government as to why she should not be removed from the post. This notice is subject matter of challenge before us.

2) Since it is only a show cause notice and further steps, if any, would be taken after giving opportunity to the Petitioner,

it is not necessary for us to entertain the defences of the Petitioner on merits of the allegations. However, Shri Khajanchi, learned Counsel for the Petitioner, submits that there is no jurisdiction in the respondent Authority to issue such notice under Sections 51-1A and 55-A and B of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965. According to the learned Counsel for the Petitioner, the Petitioner being directly elected, cannot be removed taking recourse to these provisions.

3) The Petitioner has filed reply to the show cause notice and taken this as a preliminary objection to the proceedings. In view of this position, it is not necessary for us to issue further directions except to observe that the Respondent Authority, who has issued the show cause notice, will first determine the preliminary objection raised by the Petitioner and thereafter further proceedings, if any, would ensue. The decision on the preliminary objection be supplied to the Petitioner.

4) With these observations, writ petition is disposed of.

(ANIL S. KILOR, J.)

(NITIN JAMDAR, J.)

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**Kamal
Jeswani**

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by Kamal Jeswani
Date: 2021.01.25
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