

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.819 OF 2021

Prakash s/o Shamraoji Shende ... Petitioner

- Versus -

State of Maharashtra and others ... Respondents

Shri S. Malode, Advocate for Petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for
Respondent Nos.1 and 2.

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

DATE : 18 FEBRUARY 2021

P.C. :

Heard Shri Malode, learned Counsel for the Petitioner.

2) The Petitioner has filed this petition for a direction to the Respondents including Chief Officer, Municipal Council, Khapa to take action against the monopole mobile tower stated to be erected by the Respondent No.8 on the ground that it is

hazardous. The Petitioner has annexed various documents executed by the Respondent No.8 including his property deeds, cheques, etc. All bear stamp of Municipal Council, Khapa. To a query as to how the Petitioner came in possession of these documents with the stamp of Municipal Council, learned Counsel for the Petitioner firstly informed that they were obtained under the Right to Information Act. However, when it was seen that there is no such acknowledgment of application or endorsement on documents under the Right to Information Act, the learned Counsel then submitted that the documents were supplied by a sitting Councillor, who has raised the issue with the Municipal Council.

3) If that is the position, since a sitting Councillor has already taken up the issue with the Municipal Council, it is not necessary for us to entertain this writ petition. Further we are not convinced about the *bona fides* of the Petitioner, who has not disclosed full facts before the Court. Writ Petition is rejected.

(ANIL S. KILOR, J.)

(NITIN JAMDAR, J.)

khj

**Kamal
Jeswani**

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by Kamal Jeswani
Date: 2021.02.25
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