

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1152 OF 2021.

The Municipal Council, Khamgaon
through its President.

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Petitioner.

-VERSUS-

1.The State of Maharashtra,
and others.

....

Respondents.

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Shri F.T. Mirza, Advocate for the Petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for Respondent
Nos. 1 to 4.

Shri S. Chopde, Advocate for the Respondent No.6.

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

DATE : 2 MARCH 2021.

P.C.

Heard learned Counsel for the Parties.

2. This petition is stated to have been filed by the Municipal

Council. When called upon as to how the Municipal Council has filed this Writ Petition through its President and not the Chief Officer, the learned Counsel for the Petitioner submitted that in view of Section 301 of *the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965*, the Chief Officer will have to proceed under the general directions of the Council, and such decision is taken.

3. Even assuming to be so, the Municipal Council will have to be represented through the Chief Officer. The learned Counsel for the Petitioner then submitted that the Petitioner be permitted to prosecute this petition in his individual capacity as the President.

4. It is brought to our notice that the Petitioner along with other Councillors have filed a Writ Petition on the same subject matter bearing Writ Petition No. 907/2021. In the circumstances, we do not deem it necessary to keep the present petition pending. To avoid multiplicity of litigation, the contentions which the Petitioner wants to raise, can be raised in Writ Petition No.907/2021.

5. The Writ Petition No. 907/2021 is scheduled to come up on the board on 17 March 2021. The State and private Respondent will file their affidavit in reply in Writ Petition No.907/2021.

6. Registry to keep copy of this order in Writ Petition No.907/2021.

7. The Writ Petition is accordingly disposed with above observations.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

Digitally signed
by Rakesh
Dhuriya
Date:
2021.03.06
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