

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

WRIT PETITION NO. 1458 OF 2021

- PETITIONERS:**
1. Gajanan urf Bunty Rushiji Juware,
aged about 40 years, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
 2. Vijaya Kisan Rode,
aged about 54 years, R/o. Pandharkawada,
Tq. Kelapur, Dist. Yavatmal.
 3. Rita Umashankar Kanoje,
aged about 33 years, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal.

...VERSUS...

- RESPONDENTS:**
1. State of Maharashtra, through its Secretary,
Urban Development Department,
Mantralaya, Mumbai.
 2. Divisional Commissioner, Amravati.
 3. Collector, Yavatmal,
 4. Municipal Council, Pandharkawada,
through its Chief Officer at Pandharkawda,
Tq. Kelapur, Dist. Yavatmal
 5. Vaishali Abhinav Nahate,
Aged adult, President, Municipal Council,
Pandharkawada, R/o. Pandharkawda,
Tq. Kelapur, Dist. Yavatmal
 6. Sarfarajuddin Aynoddin Kazi,

Aged adult, Vice-President, Municipal Council,
Pandharkawada, R/o. Pandharkawda,
Tq. Kelapur, Dist. Yavatmal

7. Mangala Ravindra Sidam
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
8. Subhash Karnuji Darne,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
9. Pushpalata Marotrao Payghan,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
10. Jaya Sunil Jadhav,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
11. Shankar Narayan Kunghadkar,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
12. Meena Pradeep Burande,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
13. Yogesh Madhav Karnewar,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal

14. Samiksha Amar ChotPELLIWAR,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
15. Raju Nagannath Wanjari,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
16. Mohammad Ali Bailim Hajrabi,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
17. Pavan Vitthal Kudmate,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
18. Safiya Begum Shabbir Mohammad,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
19. Usha Balkisan Atram,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
20. Yuswuf Sharif Rahim Sharif,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal
21. Rajesh Ashok Khera,
Aged Major, Municipal Councillor,
Municipal Council, Pandharkawada,
Tq. Kelapur, Dist. Yavatmal

22. Rohit Bolenwar,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
23. Anil Borele,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
24. Vaibhav Jiddewar,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
25. Sanjaykumar Jagtap,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
26. Piyush Gandhewar,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
27. Vikas Bhaurao Deshattiwar,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
28. Pradeep Agrawal,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
29. Shriram Construction,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.

30. Shaherish Siddiqui,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
31. R.V.Umbarkar,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
32. Praveen Tote,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
33. Mandar Ware,
Aged Major, Occ. Business,
R/o. Pandharkawda, Tq. Kelapur,
Dist. Yavatmal.
34. Kaleshwar Mazoor Kamgar Sahakari
Sanstha, Kaleshwar, Dist. Yavatmal.
35. Adarsha Mazoor Kamgar Sahakari
Sanstha, Pandharkawda, Dist. Yavatmal.
36. Maa Jijau Mazoor Kamgar Sahakari
Sanstha, Kapra, Dist. Yavatmal.
37. Vasantrao Naik Mazoor Kamgar Sahakari
Sanstha, Pimpri, Dist. Yavatmal.
38. Jai Bajrang Mazoor Kamgar Sahakari
Sanstha, Rudha, Dist. Yavatmal.
39. Tundeshwar Bajrang Mazoor Kamgar
Sahakari Sanstha, Rudha, Dist. Yavatmal.
40. Panchasheel Mazoor Kamgar Sahakari
Sanstha, Umarsara, Dist. Yavatmal.

41. Sant Istari Mazoor Kamgar Sahakari
Sanstha, Pandharkawada, Dist. Yavatmal.
42. Lions Mazoor Kamgar Sahakari
Sanstha, Rudha, Dist. Yavatmal.

Shri C.B.Dharmadhikari, Advocate for petitioners
Shri A.S.Fulzele, Addl. GP for respondent nos.1 to 3
Shri F.T.Mirza, Advocate for Respondent No.4

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATE : 24/03/2021.**

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1] Heard learned counsel for the petitioners and learned Additional Government Pleader for respondent Nos. 1 to 3 and Shri Mirza, learned counsel for respondent No.4, both of whom appear by waiving notice for respective respondents.

2] There is no need to issue notice to the rest of the respondents, as this petition can be disposed of by granting the alternate prayer which is limited in its nature.

3] Accordingly, the petition is finally heard by issuing Rule.

4] It appears that three applications filed under Section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act, 1965, are pending with respondent No.3 for its decision thereon. According to the learned counsel for the petitioners, two applications have been filed on 18.01.2021 and one application has been filed on 27.01.2021.

5] Shri Mirza, learned counsel appearing for respondent No.4 submits at this juncture that even these applications filed under Section 308 of the said Act are not maintainable before respondent No.3.

6] According to us, such an objection can always be raised by respondent No.4 before respondent No.3. Accordingly, we direct respondent No.3 to hear and decide the applications dated 18.01.2021 and 27.01.2021 filed under Section 308 of the said Act within a period of four weeks from the date of appearance of the parties before him.

7] The parties to appear before the learned Collector, Yavatmal, physically or virtually, as the case may be, on 31.03.2021.

8] The parties are at liberty to make their submissions and also raise objection, if any, in accordance with law, before respondent No.3 and the same shall be considered in accordance with law within the stipulated period of time.

9] Rule accordingly. No costs.

JUDGE

JUDGE

Rvjalit