

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

WRIT PETITION NO.3389 OF 2021

Shyam @ Vinod Dwarkarprasad Jaiswal and another
Vs.

Divisional Commissioner, Amravati and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D. G. Gawande, Advocate for petitioners.
Mr. K. L. Dharmadhikari, AGP for respondent No.1.
Mr. Firdos Mirza, Advocate for respondent Nos.2 and 3.
Mr. Tejas Deshpande, Advocate for respondent No.4.

CORAM : AVINASH G. GHAROTE, J.

DATE : 29/09/2021

Mr. Mirza, learned counsel for the respondent Nos.2 and 3, invites my attention to the order dated 7.9.2021, the last between sentence of paragraph 8, which states that the impugned order passed by the Respondent No.1 is, therefore, quashed and set aside, as well as the sentence thereafter, insofar as it hold, that the impugned notice dated 20.8.2021, is contrary to the provision to the requirements as contained in Section 111(4) of the Act of 1961, and submits that the same indicates the decision of the petition when a notice was issued.

2. The contention is correct, in view of which, the portion as quoted below in para 8, is hereby recalled:
“The impugned order passed by the Respondent No.1 is, therefore, quashed and set aside. It is held, that the impugned notice dated 20/8/2021, is contrary to the

requirements as contained in the provisions of Section 111(4) of the Act of 1961” and after the word regard, the full stop be replaced with comma. Correction be made accordingly.

3. Mr. Mirza, learned counsel appearing for respondent Nos.2 and 3 and Mr. Tejas Deshpande, learned counsel for respondent No.4, make a statement upon instructions that the meeting would now be rescheduled and the compliance with the requirement of Section 111(4) of the Maharashtra Zilla Parishads and Panchayat Samities Act, 1961 regarding the period mentioned therein for circulation shall be ensured.

4. The statement is accepted.

5. The impugned order dated 3.9.2021 is therefore, quashed and set aside. The petition is partly allowed in view of the above statement.

6. Needless to say that it would be advisable for the legislature to suitably amend the Maharashtra Zilla Parishads (Conduct of Business) Rules, 1964, so as to enable service of all notices upon the persons concerned by e-mail and WhatsApp and all other modes as permissible in law, considering the advent of technology, so that litigation on this count can be avoided.

JUDGE