

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

WRIT PETITION NO. 4379 OF 2021

Municipal Council Tumsar, through its President Pradeep S/o Motiramji Padole, Dist.
Bhandara,

..VS..

State of Maharashtra, through its Secretary, Urban Development Department,
Mantralaya, Mumbai and Anr.,

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

Court's or Judge's orders

Shri Krishna S. Motwani, Advocate for petitioner.
Shri N. R. Patil, A.G.P for respondent Nos.1 & 2.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 29.10.2021

1. Heard learned counsel for the petitioner.
2. This petition has been stated to be filed by the Municipal Council through its President in order to obtain a relief in respect of the grievance of Municipal Council that the sanction granted by the State Government for carrying out some work previously cannot be cancelled and no new sanction can be granted for carrying out of some different kind of works and that too through P.W.D. as the implementing agency.
3. Learned A.G.P invites our attention to provisions made in Section 8 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships

Act, 1965 and submitted that it is quite clear. It reads as under :-

“8. Establishment and incorporation of Councils.

[A Municipal Council constituted or deemed to be constituted for every smaller urban area under Section 3 shall be a body corporate] by the name of “The.....Municipal Council” and shall have perpetual succession and a common seal, and shall have power to acquire, hold and dispose of property, and to enter into contracts and may by the said name sue, or be sued through its Chief Officer.”

4. The above provisions are very clear. This petition has not been filed through the Chief Officer. So, the petition is not maintainable, in view of the mandate of Section 8 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

5. This petition is, therefore, **dismissed** as not maintainable. No costs.

JUDGE

JUDGE