

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

964 WRIT PETITION NO.8625 OF 2022

**NAGSEN DAMODHAR BORASE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioner: Mr. Yogesh B. Bolkar
AGP for Respondent/State: Mr. S. G. Sangle
Advocate for Respondent No.4: Mr. N. N. Desale

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**CORAM: RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE: 25th AUGUST, 2022

PER COURT:

1. The Petitioner has put-forth prayer clause 'A', as under:-

"A) By way of appropriate writ order or direction in the like nature, this Hon'ble High Court may kindly quash and set aside the impugned Resolution dated 01/11/2021 passed by the Mayor of the Dhule Municipal Corporation, Dhule, as the same is contrary to the Section 124-J of the Maharashtra Regional and Town Planning Act, 1966 as well as the same is

passed without there being completion of quoram."

2. The Petitioner is an elected Councilor vide the elections held on 13.12.2018. In a meeting held on 04.05.2021, the Standing Committee recommended works for an amount of Rs.355 Lacs. In the meeting of the Standing Committee on 01.11.2021, the budget for the financial year 2021-2022 was presented and under the development funds, certain decisions were taken. As the sanction for the excess works was beyond the budgetary provision, the Petitioner as a Councilor raised an objection in the Standing Committee. However, the Resolution was passed by majority.

3. The learned Advocate for the Petitioner concedes that he has a remedy under Section 451 of the Maharashtra Municipal Corporation Act.

4. Considering the above, when a Resolution is passed by majority, we would not interfere with the Resolution at the behest of a single Councilor

who does not agree with the Resolution. The rule of democracy mandates that the Resolution should be passed by majority.

5. At this juncture, the learned Advocate for the Petitioner submits that the Petitioner desires to withdraw this Petition on instructions. In view of the said statement, this Petition is disposed off as withdrawn with liberty to avail a statutory remedy.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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