

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

KANCHAN
VINOD
MAYEKAR

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CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6879 OF 2022

Smt.Shruti Subhash Nikambe

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr. Mahadeo A.Choudhari, a/w. Mr.Ranveer Choudhari for the
Petitioner.

Mr.K.S.Thorat, A.G.P. for the State – Respondent nos. 1 to 3 and 5.

**CORAM: R. D. DHANUKA AND
MADHAV J.JAMDAR, JJ.
DATE : 16th JUNE, 2022**

P.C:-

Mr.Choudhari, learned counsel for the petitioner seeks liberty to
delete the respondent nos. 4 and 6 from the cause title of the petition.
Leave to amend is granted. Amendment to be carried out forthwith.
Re-verification is dispensed with. The number of the respondents shall
be accordingly corrected.

2. Rule. Learned A.G.P. waives service for the respondent nos. 1 to
3 and 5 i.e. Tahsildar.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of certiorari for quashing and setting aside impugned proclamation and draft notification dated 4th April, 2022 issued by the respondent Deputy Secretary to the Government State of Maharashtra for conversion of constitution of Kumbhari Grampanchayat into Kumbhari Municipal Council under section 3 of Maharashtra Municipal Councils, Nagar Panchayat and Industrial Township Act, 1965.

4. The petitioner has already lodged objection to the conversion of the constitution of Kumbhari Grampanchayat into Kumbhari Municipal Council with the Collector within the time prescribed and the said objection has not yet decided.

5. We accordingly direct the Collector to decide such objection raised by the petition for such conversion within eight weeks from today without fail.

6. The Collector shall hear the petitioner if any such hearing is contemplated under the provisions of the said Maharashtra Municipal

Councils, Nagar Panchayat's and Industrial Township Act, 1965 while considering the objections raised by the petitioner. The order that would be passed shall be communicated to the petitioner within one week from the date of passing the said order. If the objections of the petitioner are allowed, the consequential relief shall be granted to the petitioner and if the same are rejected, the petitioner shall be at liberty to file appropriate proceedings.

7. It is made clear that this Court has not expressed any views on the objections raised by the petitioner before the Collector. All contentions of both the parties in respect of the objections raised are kept open.

8. Writ petition is disposed of in the aforesaid terms. Rule is made absolute. No order as to costs.

9. The parties to act on the authenticated copy of this order.

[MADHAV J. JAMDAR, J.]

[R. D. DHANUKA, J.]