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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.14660 OF 2022

Sivanand S. Andondagi & Anr.

...Petitioners

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.M.A. Choudhari for the Petitioners.

Mrs.R.M. Shinde, AGP for the State – Respondent.

CORAM : R.D. DHANUKA &
M.M. SATHAYE , JJ.
DATE : 1ST DECEMBER, 2022.

P.C. :-

1. By this petition filed under Article 226 of the Constitution of India, the petitioners have impugned proclamation and draft notification dated 4th April, 2022 issued by the respondent, Deputy Secretary to the Government State of Maharashtra, Department of Urban Development, Mantralaya, Mumbai for conversion of and/or constitution of Kumbhari Gram Panchayat into Kumbhari Municipal Council under section 3 of Maharashtra Municipal Councils, Nagar Panchayat and Industrial Township Act, 1965 (for short “the said Act of 1965”).

2. The petitioners are residents and elected members of

village Gram Panchayat of village Kumbhari, Taluka South Solapur, District Solapur. It is not in dispute that the petitioners have already raised their objections vide letter dated 17th March, 2022 stating that Kumbhari village and Godutai Parulekar Nagar are two different revenue villages, for Godutai Parulekar Nagar the proposal for formation of independent revenue village has already been submitted to the Government and elections of village Gram Panchayat at Kumbhari has taken place in the month of February, 2021.

3. Mr.Choudhari, learned counsel for the petitioners has placed reliance on section 3 (3) and (4) of the said Act of 1965 and vehemently urged that while considering the objections raised by the petitioners under section 3(3) of the said Act of 1965, the authority has to grant personal hearing to the petitioners.

4. Ms.Shinde, learned AGP for the State *per contra* invited our attention to section 3(4) and 3(5) of the said Act of 1965 and vehemently urged that the hearing is not contemplated to be rendered under the said provisions to any of the objectors. She submitted that under section 3(4) of the said Act of 1965, the Collector has to simplicitor forward the objections so submitted by any of the objectors to the State Government for doing the needful. She submitted that the State Government would consider such objections before issuing the notification.

5. On perusal of section 3(3) of the said Act of 1965, we are of the opinion that hearing is not contemplated under those provisions to be rendered to the objectors. There must be large number of objectors. The State Government is empowered to issue the notification after considering the objections and the report that would be submitted by several authorities before issuance of such notification. If the petitioners are aggrieved by the notification that would be issued by the State Government under section 3(3) of the said Act of 1965, the petitioners would be at liberty to challenge the said notification on its own merits and in accordance with law.

6. No case is made out for interference with the process of considering the objections at this stage. The writ petition is accordingly dismissed with liberty as prayed.

(M.M. SATHAYE , J.)

(R.D. DHANUKA, J.)