

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

WRIT PETITION NO. 3086 OF 2022

Smt. Ushabai G. Santani and another.

vs.

The Chief Officer, Municipal Council, Gondia.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V. R. Thote and P. V. Thote, Advocates for petitioners.
Shri Mahesh Dhattrak, Advocate for respondent.

CORAM :- A.S.CHANDURKAR AND URMILA S. JOSHI-PHALKE, JJ.
DATE :- JUNE 08, 2022.

The petitioners have filed Regular Civil Suit No.126 of 2022 seeking declaration that the notice dated 24.05.2022 issued by the Municipal Council be declared to be null and void. In the writ petition it is prayed that the very same notice issued by the Municipal Council be set aside.

Shri Mahesh Dhattrak, learned counsel for the respondent submits that the notice dated 01.04.2022 has not been issued under Section 189 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (for short, the said Act). In that view of the matter the provisions of Section 301 A of the said Act would not come in the way of the petitioner in prosecuting the aforesaid civil suit.

In view of aforesaid, since the petitioner has already availed the remedy before the Civil Court, the writ petition is permitted to be withdrawn. The petitioners are free to pursue the suit in accordance with law. No costs.

Points raised in the writ petition are kept open for consideration by the Civil Court.