

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

WRIT PETITION NO.4224 OF 2022

Mangesh s/o Shamrao Tayde

Vs.

The Chief Executive Officer Zilla Parishad, Akola and others

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

Court's or Judge's orders

Mrs. Maira Ateeb, Advocate for petitioner.
Mrs. M. A. Barabde, AGP for respondent no.2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 01/08/2022

1. Heard Mrs Maira Ateeb, learned counsel for the petitioner.

2. The petition challenges the order dated 11.5.2022 whereby the application under Section 16(1) (k) of the Maharashtra Zilla and Panchayat Samiti Act, 1961 (hereinafter referred as "the Act of 1961") seeking disqualification of respondent no.4 on the ground that he had failed to pay the taxes within six months from the date of demand, has been rejected.

3. The learned counsel for the petitioner contends that though the water connection in House No.223 was in the name of the father of the petitioner, however, the house itself was belonging to the petitioner. Since the father of the petitioner has passed away, the

notice of demand for the arrears of water bill dated 10.5.2021 was served upon the brother of respondent no.4, namely, Jagdish Daulatrao Chincholkar and since the taxes were paid on 17.1.2022, the disqualification as contemplated by Section 16(1)(k) of the Act of 1961 had been incurred. It is therefore, submitted that as the impugned order dated 11.5.2022, does not consider this proposition in its proper perspective, therefore it is liable to be quashed and set aside. I am afraid that I am not able to agree with the said contention for the reason that Section 16(1)(k) of the Act 1961 contemplates service of notice of demand upon the Councillor and non-payment within six months therefrom. Admittedly, in the instant case, the notice of demand was not served upon respondent no.4, but upon his brother, which would indicate non-fulfillment of requirement under Section 16(1)(k) of the Act of 1961. That being the position, I do not see any reason to interfere with the impugned order.

4. The petition is therefore dismissed. No costs.

JUDGE

Sarkate