

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

930 WRIT PETITION NO.8718 OF 2023

PRAKASH KAMLAKAR PATHAK
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY

...
Advocate for Petitioner : Mr. Natu Sharad V.
GP for Respondents: Mr. D.R. Kale
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.**
DATE : 18th August, 2023

PC. :-

1. This Court (Coram: Nitin Jamdar Acting CJ & S.G. Chapalgaonkar, J.) had passed the following order:

“ The petitioner seeks direction to the respondent to decide the petitioner's representation. The representation is a supply of information to the State alleging disqualification of a candidate who is not joined as a party.

2. The State Government has the power to disqualify an elected candidate under section 10 (1-1A) of the Maharashtra Municipal Corporation Act, 1949. When the Court is called upon to issue a writ of mandamus to direct the authorities to decide a representation of a party, the nature of right claimed by the party in the representation needs to be examined. The petitioner does not have vested right in this proceedings. Representations cannot be filed to assume locus or create a right when none exists.

3. *However, considering the jurisdiction that we exercise, without recognizing any right in the petitioner, we defer the hearing of this petition by a period of four weeks to enable the learned Government Pleader to appraise the Court of the position of the matter.*

4. *Stand over to 18 August 2023.”*

2. The learned advocate for the Petitioner submits that the only prayer that he has put-forth is that the pending representation dated 30.11.2021 addressed to the Hon'ble Minister, Urban Development, be dealt with.

3. The learned GP submits that the said representation would be considered within a time frame as this Court may direct. However, whether the Petitioner has any right to file such a representation, would also be scrutinized.

4. In view of the above, **this petition is disposed off** by granting 90 days time to the Respondent to deal with the said representation in accordance with law.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]