



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15181 OF 2023

SUREKHA SANJAY LAHANE

VERSUS

THE STATE OF MAHARASHTRA

THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. V. D. Sapkal, Senior

Advocate i/b. Mr. Sapkal Sandip R

AGP for Respondent/State: Mr. R. S. Wani

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 12th DECEMBER, 2023

PER COURT:

1. Heard.

2. Mr. V. D. Sapkal, learned Senior Advocate instructed by Mr. S. R. Sapkal, learned counsel for the petitioner submits that the notice is issued to the petitioner under section 55A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (*hereinafter referred to as "the Act"*). The learned Senior Advocate further submits that while the petitioner approached the statutory authority to file reply in 55A notice, the said notice under section 55A was recalled and a composite notice under section 55A and 55B is issued to the petitioner. The learned Senior Advocate submits that the notice under section 55B of the Act is

permissible only if the elected person is found guilty of misconduct in discharge of his official duty or has been guilty of any disgraceful conduct while holding the office. The learned Senior Advocate further submits that the notice under section 55B of the Act is pre-mature and prays for stay of notice under section 55B.

3. The learned Senior Advocate further submits that when the earlier notice under section 55A was issued, 15 days time was given to the petitioner to respond to the same and that in the subsequent composite notice under section 55A and 55B only 10 days time is given to respond to the petitioner.

4. The learned Senior Advocate submits that in view of the judgment which was passed by this court in Writ Petition No.11792 of 2023, dated 26.10.2023, the petitioner is called upon to respond within 10 days and that it is insufficient time to respond to the notice.

5. The present writ petition is challenging the composite notice issued under section 55A and 55B and

the challenge to the notice is premature. Thus, the present writ petition is disposed of with liberty to the petitioner to raise all her contentions before the statutory authority and that no adjudication is done by this court at this stage.

6. All contentions are left open to be raised before the statutory authority.

7. With the above observations the writ petition is disposed of.

[ARUN R. PEDNEKER, J.]

marathe