

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2570 OF 2023

Surmanjari Rajesh Latkar

.. Petitioner

V/s.

The State of Maharashtra & Anr.

.. Respondents

- Mr. S.S. Patwardhan a/w. Ms. Mrinal A. Shelar, for the Petitioner.
- Ms. R.M. Shinde, AGP for Respondent No.1-State.
- Mr. Abhijit M. Adagale, for Respondent No.2-Corporation.

**CORAM : A. S. CHANDURKAR &
ABHAY S. WAGHWASE, JJ.**

DATE : 1st MARCH, 2023.

P.C. :

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. Learned AGP waives service of notice for Respondent No.1-State and Mr. Abhijit M. Adagale, learned counsel waives service of notice for Respondent No.2-Corporation.

3. The petitioner, who is an ex-Mayor of the city of Kolhapur, having served as Mayor of the Kolhapur Municipal Corporation, has filed this

writ petition raising a challenge to the communication dated 13.12.2022, by which it has been directed that the works with regard to which commencement permission has not been granted, would stand cancelled in the context of the Government Resolution dated 31.05.2022. It is not in dispute that on 31.05.2022 the Urban Development Department granted sanction for the release of amount of Rs.7 Crores for carrying out development works within the limits of Kolhapur Municipal Corporation. The said amount was to be spent within the financial year ending 31.03.2023. Technical sanction to the same was accordingly granted and thereafter administrative sanction was granted by the Collector, Kolhapur on 12.12.2022. However, on the next date, the Urban Development Department issued the impugned communication directing cancellation of all works in which the order of commencement had not been issued.

4. Learned counsel for the petitioner submits that a similar issue has been considered and decided by this Court in Writ Petition No.10141 of 2022 & Writ Petition No.10194 of 2022 (Jayashree Nilesh Pawde & Ors. Vs. The State of Maharashtra & Ors.) decided on 23.01.2023 as well as in Writ Petition No.430/2023 (Ramesh Annaso Todkar Vs. State of Maharashtra, through the Chief Secretary & Ors.) decided on 13.02.2023.

He seeks a similar order in the present writ petition.

5. Learned AGP for Respondent No.1 has raised an objection to the locus of the petitioner by submitting that the petitioner does not have any personal interest in the matter and no legal injury is caused to the petitioner. On this, the learned counsel for the petitioner points out that in Writ Petition No.10141/2022 that was decided at the Aurangabad Bench the Mayor, Chairman of the Standing Committee and the Counsellor of the Municipal Corporation were the petitioners. The writ petition was thus entertained and decided on merits.

6. We find that the petitioner was earlier elected as Mayor of the Municipal Corporation. The works in question are public works related to the development within the Municipal Corporation limits. The petitioner seeks to espouse a larger cause of the benefit of the citizens residing within the limits of the Municipal Corporation and hence she has the locus to maintain the present writ petition.

7. We find that similar issues have been decided by this Court in the decisions referred to hereinabove. By accepting the said reasons as indicated in the aforesaid decisions and by adopting the same, the following order is passed:

ORDER

(i) The impugned communication dated 13.12.2022 is set aside for the reasons assigned in the aforesaid decisions.

(ii) The respondents are directed to act in accordance with the earlier Government Resolution dated 31.05.2022.

8. Rule is made absolute in above terms. No costs.

[ABHAY S. WAGHWASE, J.]

[A. S. CHANDURKAR, J.]