

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 7030 OF 2023**

Kailas Sukrya Mhatre

...Petitioner

Vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Dilip B. Shinde for Petitioner

Mr. Y.D. Patil, AGP for Respondent Nos.1 and 2

Mr. Gouresh Mogre i/b. Harshad Bhadbhade for Respondent No.5

**CORAM : SUNIL B. SHUKRE &
 RAJESH S. PATIL, JJ.**

DATED : 22nd JUNE, 2023

P.C.:

1. Heard learned counsel for the Petitioner, learned AGP for Respondent Nos.1 and 2 and learned counsel for Respondent No.5.

2. There is no need to issue notice to the remaining respondents as relief claimed is , primarily, against respondent no.2 and it is borne out of the grievance that respondent no.2 has neglected to perform his duty imposed upon him under Section 51(B) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 by not deciding nomination of the councilors within seven days from the date of the election.

3. We find that several representations have been made by the Petitioner in this regard, copies of which are forming part of the paper-book of the petition (page Nos.44 to 57). These representations

have not been considered and decided so far. It appears that councilors as required under Section 61B r/w. G.R. dated 21st December, 2016 have not yet been nominated. We are of the view that purpose of the petition would stand served, if appropriate direction is issued to Respondent No.2.

4. We accordingly direct Respondent No.2 to perform his duty under section 51(B) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 by following the guidelines prescribed in the G.R. dated 21st December, 2016, if not performed so far and accordingly decide all the representations filed in this regard by the Petitioner, within a period of three weeks from date of receipt of the order.

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

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)