

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 9700 OF 2022

Kiran Bajrang Kate

... Petitioner

V/s.

The Chief Secretary,
Government of Maharashtra, Mantralaya,
Mumbai and Others.

... Respondents

Mr. Bhushan Raut for the Petitioner

Mr. M.M. Pabale, AGP for the Respondent - State

***CORAM : NITIN JAMDAR , ACJ &
ARIF S. DOCTOR, J.***

DATE : 11 JULY 2023

P.C. :-

The learned Counsel for the Petitioner states that the only prayer the Petitioner is seeking is regarding a drainage work to be carried out in the vicinity of the Petitioner's residence. In this Petition there is a reference to the resolution passed by the Municipal Corporation. The only annexures to the Petition are the Government Resolutions. There is no reference to any representation made by the Petitioner to the authorities. There is a

reference to the resolution passed by the Municipal Council dated 2 February 2019.

2. Before we consider the prayer of the Petitioner, it would be appropriate that the Petitioner makes a representation to Respondent No.3 – Municipal Council in respect of the subject matter with reference to the resolution dated 2 February 2019. Thereafter, it is for the Municipal Council to take necessary decision as to whether the resolution dated 2 February 2019 is possible to be implemented, whether the decision stands superseded/modified by the subsequent Government Resolution. If the Petitioner makes a representation within a period of four weeks, the Municipal Council would give a response as early as possible. Since the Municipal Council is not represented, the Petitioner will bring to the notice of the Municipal Council the order passed along with the copy of the Petition.

3. The Writ Petition is accordingly disposed of.

ARIF S. DOCTOR, J.

ACTING CHIEF JUSTICE

JYOTI
PRAKASH
PAWAR

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