

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1853 OF 2023

Sandeep Somali Tale and ors __ Vs. __ The Collector, Bhandara and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C.B.Dharmadhikari, Advocate for petitioners
Ms. T.H.Khan, AGP for respondent no.1
Mr. A.M.Ghare, Advocate for respondent no.2

CORAM : AVINASH G. GHAROTE, J.
DATE : 23/03/2023

1] The petition challenges the order dated 15.3.2023 (pg. 252), whereby the respondent no.1 has rejected the application of the petitioner challenging the findings rendered in the order dated 15.02.2023 (pg. 225), to the effect that the petition filed before the respondent no.1 complies with the requirement of Rule 6 of the Rules of 1987, framed under the Maharashtra Local Authorities Members Disqualification Act, 1986.

2] It is contended that before forming an opinion regarding the satisfaction of compliance of Rule 6 of the Rules of 1987, it is necessary to hear the petitioners/respondents therein.

3] I am afraid, I am unable to accept this proposition, as Rule 6 of the Rules of 1987 do not contemplate such a position altogether. All that it contemplates is, it is for the respondent no.1 to be satisfied that the requirements of Rule 6(2) of the Rules of 1987, have been complied with, which also flows from what has been stated in Rule 7(1) & (2) of the Rules of 1987.

4] In that view of the matter, the petition which questions the order of the Collector dated 15.2.2023 and the subsequent order dated 15.3.2023 does not have any merit and is accordingly dismissed. It is however, made clear that this would not preclude the petitioners from raising a plea regarding non compliance of the requirement of Rule 6(2) of the Rules of 1987, on any other ground, which is available to him in law. No. costs.

JUDGE

Rvjalit