

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

WRIT PETITION NO. 3213 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.Dhamadhikari, 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 : 07/06/2023

1] Heard Mr. Dhamadhikari, learned counsel for the petitioner and Mr. Ghare, learned counsel for the respondent no.2.

2] The petition questions the orders dated 5.4.2023 and 26.4.2023 passed by the Respondent no.1 rejecting the application for dismissal of the disqualification petition for non compliance of the Rule 6(2) of the Maharashtra Local Authority Members' Disqualification Rules, 1987 rejecting the application.

3] It is material to note that a similar challenge raised earlier in point of time was rejected, which was questioned before this Court in W.P. No.1853/2023, which came to be dismissed by the

order dated 23.03.2023 (pg.345), which however, permitted the petitioners to raise a plea regarding the non-compliance of the requirement of Rule 6(2) of the aforesaid Rules of 1987 on any other ground which may be available to the petitioners. After this, again an application for dismissal of the disqualification petition on the ground of non-compliance of Rule 6(2) of the Rules of 1987, has been filed by the petitioner (pg. 347), in which ground nos.1 to 4 are the same as were raised through the earlier application filed by the present petitioner in this regard dated 21.3.2023.

4] In this view of the matter, it is clear that no new ground has been raised in the subsequent application, as a result of which the same is clearly not maintainable. I therefore do not find any reason to interfere in the impugned order. The petition is therefore dismissed, keeping the option as indicated in the order dated 23.3.2023 open to the petitioner on merits. It is however made clear that the proceedings shall be decided on merits as early as possible by the Respondent no.1.

JUDGE