

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

WRIT PETITION NO.7197 OF 2022

(Mahesh s/o Gajanan Patil Vs. State of Maharashtra thr. its Secretary, Urban
Development Department, Mumbai and others)

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

Court's or Judge's orders.

Mr. S. P. Kshirsagar, Advocate with Mr. Sunil D. Patil, Advocate for Petitioner.
Mr. S. M. Ukey, Addl GP for Respondents 1 to 3/State.
Mr. P. P. Deshmukh, Advocate for Respondent 4.

CORAM: ROHIT B. DEO AND MRS. VRUSHALI V. JOSHI, JJ.
DATE: 5th APRIL, 2023.

The initial grievance in the petition was that while the general body of the Nagar Panchayat earmarked or shortlisted certain wards for carrying out the development works under the “Annabhau Sathe Nagari Vasti Sudhar Yojana”, and left the final decision to the President, what was done by the President is to allot the entire work in two wards including the one which the President himself represents.

2. During the pendency of the petition the general body of the Nagar Panchayat met on 06.03.2023 and confirmed/gratifying/approved the selection of the wards done by the President.

3. We find that the petitioner who is the elected member representing ward 17 has the remedy of seeking

suspension of the resolution and can and ought to have, approached the Collector under section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

4. We, therefore, dispose of the petition with liberty to the petitioner to approach the Chief Officer of the Nagar Panchayat with the grievance and request the Chief Officer to send the same to the Collector for considering the suspension of the execution of the resolution. We further direct the Chief Officer to send the resolution to the Collector for appropriate decision under section 308 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act. The Collector shall consider the need of an *ad-interim* order, if so found necessary, within three days from the receipt of the resolution from the Chief Officer.

5. We note the statement of Mr. Kshirsagar that an appropriate application shall be moved before the Chief Officer within the next forty-eight hours.

6. The interim order operating in the petition shall continue to operate for the next fifteen days to enable the petitioner to take appropriate steps.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)