IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.47 OF 2014

Shri Prakash P. Kukreja,
Having his office at Shop No.2,
Hari Om Apartment, B.L.K. C-33,
R.124, Opposite Chopda Court,
Ulhasnagar – 421 003 ….. Petitioner

Versus

1 Ulhasnagar Municipal Corporation
Having its office at Ulhasnagar-3,
Through its Commissioner

2 State of Maharashtra,
Through Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai – 400 032 ….. Respondents

Mr. Prakash P. Kukreja, Petitioner – in person
Mr. Milind More, for Respondent No.1
Mr. P. P. Kakade, Government Pleader with Mr. O. A. Chandurkar, Additional Government Pleader and Ms. A. A. Nadkarni, AGP for Respondent No.-2 State

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

RESERVED ON : APRIL 24, 2024
PRONOUNCED ON : MAY 10, 2024

PC :

1. Heard Shri Prakash P. Kukreja, Petitioner in-person, Shri Milind More, learned Counsel representing Respondent No.1 and Shri P.P. Kakade, learned State counsel.

2. This Public Interest Litigation petition seeks a prayer for issuing a direction to Respondent No.1 to prepare a fresh Citizens' Charter, to prepare a report of administration and financial statement of accounts, to prepare the annual audit report, to prepare weekly audit report and to prepare a fresh assessment and to comply with the provisions of the Maharashtra Municipal Corporations Act, 1888 (hereinafter referred to as the "**Municipal Corporations Act"**) and the rules framed thereunder.

3. A further prayer has been made seeking a direction to Respondent No.1 to remove the deficiencies in E-governance and to introduce the E-governance where the same is required. Drawing our attention to various provisions of the Municipal Corporations Act and the rules framed thereunder, it has been submitted by the Petitioner that such provisions cast a duty on Respondent No.1 – Corporation to prepare the Citizens' Charter and other documents as mentioned in the prayer clause of this petition.

4. Learned Counsel representing Respondent No.1 has submitted that the prayer made in the Writ Petition no more survives as all what has been expected of Respondent No.1 qua the prayers made in this petition, has been done.

5. Drawing our attention to the affidavit-in-reply filed on behalf of Respondent No.1, dated 11th March 2024, it has been stated that the Citizens' Charter was implemented on 28th February 2014 which has been updated from time-to-time and it is updated till 7th March 2024. It has also been submitted by the learned Counsel representing Respondent No.1 that from the year 2014 Citizens' Charter has been available at all wards, offices including head-quarters for public at large at the Respondent Corporation and is also available and published on a website www.umc.gov.in. He has also stated that the Corporation has published a booklet of Citizens' Charter and the same is made available to public on various wards offices. In respect of the audit report etc. it has been stated on behalf of Respondent No.1 that in terms of the provisions contained in Section 106(3)(4) of the Municipal Corporations Act, a report has been prepared and delivered to the Standing Committee pertaining to all the previous years. Respondent No.1 also states that as per the rules, for the year 2017-2018, the audit report of municipal accounts was submitted to the Standing

Committee and the same has been accepted by it vide resolution No.13, dated 9th June 2022.

6. Learned Advocate representing Respondent No.1 has also stated that the Corporation is continuously submitting the internal audit reports to the Standing Committee of the Corporation. However, as per the order of the State Government passed on 3rd March 2022, the Municipal Commissioner has been appointed as an Administrator of the Respondent Corporation and all powers of the Standing Committee are vested with the Municipal Commissioner. Accordingly, the Municipal Commissioner has approved annual accounts of the Municipal Corporation for the year 2017-2018 to 2021-2022 and has sent for approval to the Director, Local Funds Auditor vide resolution No.115 dated 23rd February 2024.

7. As regards the requirement of Rule 21(2) of the Taxation Rules, the submission is that the Municipal Corporation prepares new assessment book in every five years and in terms of Sections 127 and 129 of the Municipal Corporations Act all lands and buildings are taxed for the property tax and such property tax is being recovered from the assessees. According to learned counsel for Respondent No.1, there are 1.80 lacs properties which are taxed for property tax and the Tax Department of the Corporation is collecting the property tax and such collection is computerised. He has also stated that all such details are available online.

8. Our attention has also been drawn by the learned Counsel for Respondent No.1 to the fact that the properties within the Respondent Corporation are under survey and the work relating geographical information system is still in progress. On behalf of Respondent No.1 it has also been stated that the Corporation has undertaken E-governance initiatives to improve efficiency, transparency and accountability and has developed Government-citizen interface. He has also stated that the Corporation has started five Citizen Facilitation Centers and 19 Kiosks have been set up in various areas to improve the delivery of municipal services through the use of information technology. It is also stated that using the technological tools, access to all services has been provided by the Respondent Corporation and such services include online payment of municipal dues, permission for repair/renovation of building/property, submission of building plans, water tap applications, no-dues certificates, various licenses, facilities for instant issuance of birth and death certificates, online registration and forwarding and disposal of complaints and grievances etc. He further states that such services include issues relating to property tax, city planning, water supply, market license, tree cutting permissions, services relating to medical and health and services of fire brigade etc. and such services have been developed by the Corporation with Aple Sarkar/State/Central Government portal.

9. In view of the aforesaid submissions made on the basis of the affidavit in reply filed by Respondent No.1, dated 11^{th} March 2024, we are of the opinion that most of the grievances raised in the petition appear to have been redressed or are being redressed.

10. The petition is, thus, disposed of in terms of the statements made on behalf of Respondent No.1 in the affidavit in reply, dated 11^{th} March 2024 filed by the Corporation. However, in case the Petitioner has any grievance which still remains, it will be open to him to draw attention of the Municipal Commissioner to such grievance by making an appropriate application/representation and in case any such application/representation is made, the same shall be attended to and appropriate decision thereon shall be taken. We further direct that if any action on such application/ representation is warranted as per the rules, the same shall also be ensured by the Municipal Commissioner and all other authorities of Respondent No.1.

11. There will be no order as to costs.

(ARIF S. DOCTOR, J.) **(CHIEF JUSTICE)**