

SA Pathan

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

WRIT PETITION NO.1931 OF 2022

Chandrakant Ganpatrao Pathak	... Petitioner
V/s.	
State of Maharashtra & Ors	... Respondents

Mr. Nikhilesh Pote, for Petitioner.

Mr. Rameshwar Gite, for Respondent No.2.

Mr. Ashok S. Pandire, for Respondent No.4.

Mrs. V. S. Nibalkar, AGP, for State/Respondent Nos.1 & 3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 10, 2024

P.C.:

1. The petitioner who claims to be a complainant at whose behest the proceedings for disqualification under Section 44 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 is challenging order passed by respondent No.1 allowing appeal filed by the respondent No.4 disqualifying respondent No.4 under Section 16(1)(i) of the said Act.

2. Respondent No.4 has come to an end in the year 2022. There is no further disqualification provided under the Act; therefore, nothing remains to be adjudicated in the writ petition.

3. Even otherwise, the Apex Court in the case of **Ravi Yashwant Bhoir Vs The Collector, District Raigad & Ors**, reported in (2012) 4 SCC 407 has held that the complainant at the most can bring disqualification to the notice of appropriate authority. However, filing of such application would not elevate complainant to the status of party to the proceedings for grant of opportunity of hearing or for the purpose of participating in the proceeding. If that be so, the petitioner had no locus to file the present writ petition. Therefore, the writ petition is dismissed. No costs.

(AMIT BORKAR, J.)