



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

Writ Petition No.3095 of 2022

Kantikumar Laxmiprasad Sonkusare Versus State of Maharashtra and another

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

Court's or Judge's order

Shri P.V. Ghare, Counsel for Petitioner.

Ms N.P. Mehta, Additional Government Pleader for Respondent No.1.

Shri V.G. Lohia, holding for Shri A.S. Mehadia, Counsel for Respondent No.2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 29th JANUARY, 2024

1. The challenge raised in this petition is to the Government Resolution/decision dated 1-8-2019 whereby the State Government in exercise of the provisions of sub-section (1) of Section 451 of the Maharashtra Municipal Corporations Act, 1949 (for short, 'the Act of 1949') temporarily suspended the Resolution No.244 dated 2-7-2018 of the Nagpur Municipal Corporation whereby three increments are granted to the petitioner.
2. The said decision of the State Government further provides that the Nagpur Municipal Corporation and its Commissioner are required to submit their views to the State Government, as provided under sub-section (2) of Section 415 of the Act of 1949.
3. Shri V.G. Lohia, Advocate, holding for Shri A.S. Mehadia, learned counsel for the respondent No.2, seeks time to take instructions in the matter.
4. As against above, Shri P.V. Ghare, learned counsel for the petitioner, submits that let the State Government take a final decision within a reasonable period and it shall be open for the Nagpur Municipal Corporation and its Commissioner to submit their views within a reasonable period.
5. We have appreciated the submission of the learned counsel for the petitioner. We are of the view that once by the Resolution No.244 dated 2-7-2018 of the Nagpur Municipal Corporation if three increments are granted to the petitioner, least that is expected is to hear the petitioner in case the said Resolution is to be cancelled or annulled.

6. In that view of the matter, we deem it appropriate to dispose of the petition by giving an opportunity to the Nagpur Municipal Corporation and its Commissioner to submit their views within a period of six weeks from today; failing which the State Government shall proceed ahead to take a final decision in the matter, as provided under sub-section (3) of Section 451 of the Act of 1949. Let the State Government take a final decision in the matter within a period of four months from today. Needless to mention that the petitioner should be heard before passing an adverse order.

7. The petition stands disposed of in above terms. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR