



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 6801 OF 2025

NITIN VIJAYKUMAR SHETE AND ANOTHER
VERSUS
THE URBAN DEVELOPMENT MINISTER CHIEF MINISTER AND
OTHERS

...

Mr. Avinash N. Irpatgire, Advocate for the Petitioner
Mr. S. P. Joshir, AGP for Respondents-State

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 10.06.2025

PER COURT :-

. The petitioners take exception to the order dated 07.02.2024 passed by respondent No. 1 in Case No. LMC-2017/Case No. 369/NV/24, and also pray that the application dated 07.11.2016 filed by them be allowed, and that respondent Nos. 3 to 17 be declared disqualified under Section 10(1-1A) of the Act of 1949, by issuing appropriate writ or direction.

2. It is not in dispute that respondent Nos. 3 to 17 were elected as Councillors of the Municipal Corporation, Latur, in the year 2016, and that their term expired in 2021. At present, for want of elections, Administrator has been appointed, and the Council is not in existence. In this background, the learned

Advocate appearing for the petitioners submits that respondent Nos. 3 to 17 incurred disqualification due to their illegal act of supporting the resolution and violating the directions of this Court passed in a writ petition in the subject matter.

3. It is true that Section 10(1-1A) provides for disqualification of a Councillor for misconduct, and once he is held guilty, such disqualification may continue for a period of up to six years from the date of the disqualification order. However, the fact remains that, at present, respondent Nos. 3 to 17 are not holding the office of Councillor. Therefore, even by accepting contention of the petitioner, no effective order can be passed. The issue raised in the writ petition appears to be merely academic and does not require adjudication on merits

4. In that view of the matter, the writ petition stands rejected.

[S. G. CHAPALGAONKAR, J.]

HRJadhav