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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.83 OF 2025

Dattatray Tanaji Shinde and Ors. ...Petitioners

versus

The State of Maharashtra and Ors. ...Respondents

Mr. Ajay Bhise (through V. C.) a/w Manoj Sabale a/w Deepali Kedar for the Petitioners.

Ms. T. J. Kapre, AGP for the State-Respondent Nos.1 to 5 and 7.

**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ.**

DATE : 18th SEPTEMBER, 2025.

P.C:

1. Heard Mr. Ajay Bhise learned Counsel for the Petitioners and Ms. T. J. Kapre, learned AGP for the State.
2. The Present Public Interest Litigation is filed by the residents of the Kabnur Tal. Hatkanangle District, Kolhapur. The Petitioners pray for appropriate directions to the Respondent Authorities to forthwith initiate and complete the statutory process of declaring Kabnur as a Municipal Council under the provisions of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.
3. According to the learned Council for the Petitioners, village Kabnur, administratively classified as a village under the Maharashtra Village Panchayats Act, 1959, satisfies all statutory criteria for municipal upgradation as a Municipal Council. The certified population of the

Kabnur is 16,500 and has demonstrable urban characteristics. It is submitted that despite the repeated representations and sustained efforts to declare Kabnur as Municipal Council, no final decision has been taken by the State Government. This according to the Petitioners denies all the advantages and constitutional rights as residents of Kabnur for a declaration of the Kabnur as a Municipal Council. The Public Interest Litigation further has emphasized that Kabnur has all the essential urban features, including residential and commercial zones, transport linkages, industrial activities and demographic scale, yet continues to be governed under the outdated and inadequate framework of a rural Gram Panchayat.

4. Learned Counsel for the Petitioners submitted that the inaction on the part of the Respondents violates the statutory scheme of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and constitutional mandate of Part IXA introduced by the 74th Constitutional Amendment Act, 1992.

5. Several representations are made by the Petitioners to the authorities. The reference to the communication dated 3rd June, 2020, of the Collector of Kolhapur to the Principal Secretary, Urban Development Department Kolhapur is significant. In the communication, all the relevant details, regarding Kabnur, including the population, geographical conditions and other relevant details have

been provided and the proposal for the establishment of Municipal Council of Kabnur has been forwarded.

6. The Petitioners have followed up the matter from time to time. We find the copy of the communication dated 16th January, 2025, addressed by the Collector to the Petitioners indicating that the proposal dated 3rd June, 2020 has already been forwarded to the State Government. There were some defects in the proposal dated 3rd June, 2020. By letter dated 9th September, 2021 the Collector was called upon to cure the deficiencies. The said deficiencies have been cured by the communication dated 25th February, 2022 and the same has been so informed to the superior authorities empowered to take a decision on 24th May, 2022.

7. In this view, prima facie we find that the issue now ripe for a final decision subject to fulfillment of the necessary parameters required for such declaration.

8. Learned AGP seeks time to take instructions and file an affidavit-in-reply within a period of two weeks from today to indicate the further developments and period within which an appropriate decision in accordance with law on the proposal sent by the Collector dated 3th June, 2020 and the subsequent communications will be taken.

9. List the matter on **9th October, 2025**.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]