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

PUBLIC INTEREST LITIGATION NO.88 OF 2025

GIRDHARILAL S/O. LAXMANDAS HARWANI

VS

THE STATE OF MAHARASHTRA, THR. SECRETARY, URBAN DEVELOPMENT
DEPT., MUMBAI AND ORS.

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

Court's or Judge's orders

Mr. S.N. Bhattad, Advocate for the petitioner/s
Ms K.P. Marpakwar, AGP for the respondent/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 06.01.2026

1. In the present Public Interest Litigation, following prayers are made:

“a) Hold and Declare that the Action on the part of Respondent No. 2 to cancel the contract of the Respondent No.6 without assessing the loss, Penalty and also without considering the payments made for work which was never done under contract is illegal and arbitrary and appropriate legal action in this regard needs to be initiated in the interest of justice, and further be pleased to;

b) Direct the Respondent No.1 to initiate appropriate legal proceedings against the Respondent No.3 to 5 making payment to the Respondent No.6 on account of a contract which was never completed nor terms and conditions of contract were followed in the interest of justice, and further be pleased to;

c) Hold and declare that the Appointment of Respondent No.4 as Municipal Commissioner is in breach of Notification issued by the Ministry of Personnel, Public Grievance and Pension, Government of India, dated: 15.16.2018 (Annexure-O) and the Respondent be relieved from the said post and further inquiry be imitated for all

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actions and decisions taken by Respondent No.4 while working as Municipal Commissioner, Akola Municipal Corporation, in the interest of justice, and further be pleased to;

d) Hold and declare that the Appointment of Respondent No.5 as Tax Superintendent, with Akola Municipal Commissioner for more than 3 years is in breach of The Maharashtra Government Servants Regulations of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (Annexure-Q), which was adopted by the Respondent No.2 Corporation (Annexure-R) and the Respondent be relieved from the said post and further inquiry be imitated for all actions and decisions taken by Respondent No.5 while working as Tax Superintendent, Akola Municipal Corporation, in the interest of justice, and further be pleased to;

e) Hold and declare that the Charge given to Respondent No.5 as Deputy Commissioner of Municipal Corporation is in breach of law and Respondent No.5 being a class III employee is not eligible to hold such a charge, and the Respondent be relieved from the said post in the interest of justice, and further be pleased to;

f) Be pleased to grant any other relief as this Hon'ble court deems fit and proper in the circumstances of the case."

2. For the similar prayer, prior to filing of this Public Interest Litigation, the petitioner has approached to the respondents, by making representations dated 20.08.2024 and 06.02.2025, which are still pending and till then no decision has been taken by the authorities.

3. In that view of the matter, we are of the opinion that a purpose would be served if the respondent No.1-Secretary, State of Maharashtra, Urban Development Department, Mantralaya, Mumbai is directed to take into

consideration the representations of the petitioner as well as the grievance raised in the present PIL and take decision on the same within stipulated period.

4. Accordingly, the Public Interest Litigation is **disposed** of with direction to the respondent No.1 to take decision on the representations of the petitioner as well as on the point raised in the present PIL within 10 weeks from the date of production of this order and the present petition.

5. The learned counsel for the petitioner undertakes to furnish copy of this order and the present petition to the concerned respondent within two weeks from today.

6. The decision taken shall be communicated to the petitioner within two weeks from the date of such decision.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)