



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

WRIT PETITION NO.1889 OF 2026

REHMAN SHAH AHMED SHAH

VS

THE MUNICIPAL COUNCIL, MALEGAON, THR. ITS CHIEF OFFICER AND
ANOTHER

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

Court's or Judge's orders

Mr. Druv Sirpurkar, Advocate h/f Mr. S.V. Sirpurkar, Advocate for the petitioner/s

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

DATE : 06.03.2026

1. Heard the learned counsel for the petitioner.
2. At the outset, the learned counsel for the petitioner seeks leave of this Court to amend the prayer clause (ii).
3. Permission is granted.
4. Necessary correction be carried out forthwith.
5. The petitioner has approached this Court for following reliefs:

"i. Direct the Respondent No. 1, Chief Officer Nagar Panchayat, to discharge of their statutory duties for removal encroachment on public street, near Petitioner's property, as specified in para 2, 4 and 15, in;

ii. Further direct the Respondent No.1 to discharge their duties under sec.179 and 180 within a time period of 2 months, and construct the drainage under section 201 of the Municipal Council Act, 1964.

iii. Further direct the Respondent No. 2 to fulfil its statutory duties of fair discharge of electricity as mentioned under section 135 of The Electricity Act, 2003.

iv. (...)"

6. A perusal of the pleadings as well as the prayer clauses reveals that the reliefs claimed in the present petition are in the nature of directions to respondent Nos.1 and 2 to perform their statutory duties. However, the learned counsel for the petitioner submits that, in spite of repeated representations, the respondents have failed to discharge their duties.

7. The perusal of the petition reveals that the petitioner had already approached respondent No.1 by submitting a representation dated 24.07.2025 (page 156). However, respondent No.1 has neither acted upon the said representation nor taken any decision thereon.

8. In view of the above, we direct the respondent No.1- Municipal Council, Malegaon so also the respondent No.2- MSEDCL, Malegaon, to treat the petition as a representation made by the petitioner for the aforesaid reliefs.

9. The respondent Nos.1 and 2 are directed to decide the aforesaid representation in accordance with law and in view of the grounds raised in the present petition so also after granting an opportunity of hearing to all the concerned persons, within four weeks from the date of receipt of this order.

10. The learned counsel for the petitioner undertakes to furnish copy of this order so also the copy of the present petition to the respondent No.1 and 2 within one week

from today.

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

Accordingly, the writ petition is **disposed of** in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)