

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3300/07
Arjun Yadav Vs. State of Raj. & Ors.

7.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri R.P. Garg for petitioner.

Heard learned counsel for the petitioner.

The petitioner is aggrieved by the resolution passed by the Municipal Board, Jhalara Patan by which it has been decided that the powers of the Building & Works Committee have been taken over by the Bord because five out of seven members have resigned. Learned counsel for the petitioners submitted that it could not be done because according to Section 73 read with Section 78 of the Rajasthan Municipalities Act, the powers of the Committee cannot be curtailed. Prima facie on perusal of Section 73 it appears that Committee is a

constituent and delegate of the Municipal Board itself and as provided for by sub-section (4), the Committee can exercise, perform and discharge such powers and duties and functions as delegated to it by the Council. The learned counsel further referred to the notification of the Government dated 26.7.99 according to which the powers for regularisation / regulation of the construction etc. have been conferred on the Committee and not on the Board. If the petitioners feels aggrieved by resolution of the Board, he has the remedy u/s. 285 of the Rajasthan Municipalities Act.

I do not deem it appropriate to entertain the petition.

The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-