

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.1546 OF 2018

Tukaram Krishna Patil

Petitioner

versus

The Mumbai Municipal Corpn. And others

Respondents

Mr.V.V.Pethe i/by B.D.Joshi for petitioner.

Mr.A.Y.Sakhare, Senior Advocate, with Ms.Pallavi Thakar for
respondent no.1.

Mr.Himanshu Takke, AGP, for Respondents 2 to 4.

CORAM : NITIN W. SAMBRE AND
PRAKASH D. NAIK, JJ.
(Vacation Bench)

DATE : 30th May 2018

PC :

1. Leave to delete respondent no.2 A.S.Mutyal from the array of respondents, however, it is clarified that respondent no.2 shall continue in the array of respondents by designation. Amendment be carried out forthwith.

2. The petitioner who is an elected corporator of respondent no.1 Municipal Corporation, has questioned the show cause notice dated 13th April 2018 issued pursuant to the provisions of Section 18(2) of Mumbai Municipal Corporation Act, 1888, as it is claimed that the petitioner has carried out unauthorized construction.

3. It is claimed by the petitioner that he has already filed explanation to the show cause notice. It is also brought to our notice

that the petitioner is also facing two elections petitions on the same ground.

4. Considering the nature of issue raised in the petitioner before this Court and having heard learned Senior Advocate Mr.Sakhare for respondent no.1 and learned AGP for respondent nos.2 to 4, in our opinion, following order will subserve the interest of justice :

ORDER

(i) Let the proceedings for disqualification initiated against the petitioner be continued pursuant to the impugned show cause notice dated 13th April 2018;

(ii) In case the order passed by respondents is adverse to the interest of petitioner, the same shall not be given effect to, for a period of four weeks from the date of service of the order on the petitioner;

(iii) The petitioner will be at liberty to question such order, if adverse to the interest of petitioner, in independent proceedings;

5. With above observations, the petition stands disposed off. Needless to clarify that this Court has not gone into and considered the merits of the petition.

(PRAKASH D. NAIK, J.)

(NITIN W. SAMBRE, J.)