

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO. 5040 OF 2026

Abdullakhan Latifkhan Durrani

VERSUS

The State Of Maharashtra Thr Secretary And Others

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Advocate for Petitioner: Mr. Mukul Kulkarni i/b Mr. N.R. Pawade

AGP for Respondents: Mr. S.K. Shirshe

Advocate for Respondent 3 : Mr. M.S. Deshmukh

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : May 05, 2026

PER COURT :-

1. Heard.
2. Issue notice to the Respondents, returnable on 10.6.2026. Learned A.G.P. waives notice for respondent nos. 1 and 2.
3. Upon hearing learned counsel appearing for petitioner and respondent no. 3/Chief Executive Officer, this Court finds that impugned notice is not befitting with the object and purport of section 42 of the Maharashtra Municipal Council, Nagar Panchayats and Industrial Townships Act, 1965 (for short said Act). *Prima facie*, this Court finds that Chief Executive Officer of the Municipal Council has no authority to

issue show cause notice to the petitioner/Councilor for purported action under section 42 of the said Act.

4. In that view of the matter, there shall be ad-interim relief in terms of the prayer clause “D”, till the returnable date.

(S. G. CHAPALGAONKAR, J.)

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aaa/-