



PUBLIN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Publish Interest Litigation No.52/2023
(Muhammad Qaisar Farooq V State of Maharashtra and another)

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

Court's or Judge's orders

Mr. Moin Imran Khan, Advocates for petitioner.
Mr. P.P. Deshmukh, Advocate for respondent no.1.
Mrs. N.P. Mehta, Addl GP for respondent no.2.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ
DATE : 29-11-2023.

We have heard learned Counsel for the petitioner.

2. The primary concern of the petitioner is that the failure of respondent-Municipal Council in discharging their statutory responsibilities as prescribed under Chapters 12 and 19 of the Maharashtra Municipal Corporation Act.

3. The petitioner so as to substantiate his claim has invited our attention to the representation preferred to the Municipal Council which is produced on record at Annexure-1, which gives a certain details as to failure of the respondent-Municipal Council in discharge of its duties.

4. Apart from above, the petitioner has already approached the Sub-Divisional Magistrate, Balapur, under Section 133 of the Code of Criminal Procedure, which proceedings are informed is pending adjudication.

5. Mr. Deshmukh, learned Counsel appearing for respondent no.1 states that since the respondent no.1 is facing hardship in submitting its response considering the vague nature of the pleadings made by the learned counsel for the petitioner.

6. Be that as it may, since the petitioner is canvassing violation of his fundamental rights under Article 21 of the Constitution so also the failure of the respondent-Municipal Council in discharge of its statutory duties as provided under Chapters 12 and 19 of the Maharashtra Municipal Corporation Act, we deem it appropriate to grant time of four weeks to the respondent-Municipal Council to file its affidavit.

7. By way of last chance, list the matter on 10-01-2024.

(Judge)

(Judge)