

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6912/2020

Smt. Sumitra Devi Jain W/o Manmohan, Aged About 49 Years,
Chairperson, Municipal Board, Balotra, District Barmer (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Local Self Government Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Director And Joint Secretary, Local Self Government Department, Government Of Rajasthan, Secretariat, Jaipur.
3. Commissioner, Municipal Board, Balotra, Dist. Barmer.

-----Respondents

For Petitioner(s)	:	Mr. S.S. Ladrecha
For Respondent(s)	:	Mr. Sunil Beniwal, AAG, Mr. C.S. Kotwani as caveator

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

11/08/2020

Mr. Sunil Beniwal, learned AAG is appearing for respondent Nos.1 to 3. Let copy of the writ petition be supplied to him.

Mr. S.S. Ladrecha, learned counsel for the petitioner has submitted that process of constitution of the committees of Municipal Board, Balotra, Distt. Barmer was completed within 90 days as prescribed under the law and the same was approved by the State Government also, however later on, on the recommendation of the local MLA, the State Government has cancelled the constitution of earlier committees and

constituted new committees vide order dated 31.7.2020. It is also submitted by learned counsel for the petitioner that action of the State Government of constituting new committees is absolutely without jurisdiction.

On the other hand, learned AAG for the respondent – State has submitted that the petitioner being the Chairman of the Municipal Board has illegally changed the constitution of committees and the respondent – State was well within its jurisdiction to cancel the earlier constitution of committees and to constitute new committee.

The matter requires consideration.

Learned counsel for the respondent – State is directed to file response to the writ petition at the earliest.

List on 18th August, 2020.

In the meantime, the effect and operation of the order dated 31.7.2020 whereby, the State Government has constituted new committees of the Municipal Board, Balotra, Distt. Barmer shall remain stayed till next date.

However, the State Government is free to move application for vacation/modification of the stay order passed by this Court at the time of filing of reply.

(VIJAY BISHNOI),J

Ms rathore