

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 8326 OF 2015

Prashant s/o Dattatray Pawar Petitioner
versus
Hon'ble Minister for State for
Urban Development Department,
Maharashtra State and others Respondents

Mr. Mahesh S. Deshmukh, Advocate for petitioner
Mr. S.K. Tambe, Asstt. Govt. Pleader for respondents no. 1 to 3
Mr. U.R. Awati, Adv. h/f Mr. S.B. Talekar, Advocate for respondent
no.5

CORAM : SUNIL P. DESHMUKH, J.
10th August, 2015

ORDER:

1. This petition has been moved under purported exigency in respect of election petition filed against present petitioner as President of Bhadgaon, Nagar Parishad, before respondent no. 1.
2. Learned counsel for petitioner, with reference to the background of orders passed from time to time up to this high court, challenges the proceedings before respondent no.1 on various grounds and contends that said election proceedings before respondent no. 1 tantamount to abuse of process of law.
3. Perusal of the proceedings shows that those are being availed of by respondent no. 5 pursuant to the statutory provisions contained in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act, 1965.

4. Having regard to that the remedy pursuant to the statute is being prosecuted by respondent no.5, I am not inclined to exercise extra-ordinary powers under Articles 226 and 227 of the Constitution of India as in the present circumstances it would not be proper to interrupt and to preempt the proceedings before the authority. Needless to say that all the contentions raised before this court about abuse of process of law are open to be taken up by the petitioner before the authority concerned.

5. During the course of submissions, the petitioner alleges legal malice. In such a case, it is open for the petitioner to adopt such remedy as would be available.

6. Writ petition as such is rejected.

SUNIL P. DESHMUKH, J.

pnd