

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3557 OF 2015

Mahananda Navnath Jangale ... Petitioner

V/s.

Election Returning Officer and others ... Respondents.

Mr. Tarun K. Sinha for Petitioner

Mr. Sachin B. Shetye for Respondent no. 4

Mr. B. D. Joshi a/w Virendra Pethe for Respondent no. 2

Mr. Vikas Mali AGP for State.

**CORAM : NARESH H. PATIL AND
V.L. ACHLIYA, JJ.**

DATED : 13th APRIL 2015.

PC.

Heard. Petitioner herein filed a nomination for contesting election to Ambernath Municipal Council. The application came to be rejected on 01/04/2015 by Returning Officer. Said order is under challenge.

2) Learned counsel for the petitioner submits that in view of the amendment brought to the provisions (Section 9(A)) of Maharashtra Municipal Council Nagar-panchayat Industrial Township Act 1965, nomination form ought to have been accepted.

3) We have heard the submissions of learned counsel for the petitioner

and learned counsel for Election Commission. Section 9 (A) of the said act was amended and published on 07/04/2015 in Government Gazette. Nomination was rejected on 01/04/2015.

4) There is another development in the matter. Election programme is already announced. The last date of withdrawal of nomination was on 08/04/2015. Petitioner had statutory remedy of filing an appeal which he did not resort to. Considering all these facts, we are not inclined to exercise extra ordinary writ jurisdiction under Article 226 of Constitution of India.

5) Writ Petition stands dismissed with liberty to resort to appropriate remedy, after elections.

(VL. ACHLIYA, J.)

(NARESH H. PATIL, J.)