

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4724 OF 2015

Mrs. Usha Tanaji Bhore ... Petitioner

V/s.

Mrs. Meena Tanaji Karanjkar & ors. ... Respondents

Mr. R.N. Gite for the petitioner.
Mr. P.G. Sawant, AGP for the State.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

6th July, 2015.

P.C.

Petitioner submits that he contested elections of Respondent No.2 Cantonment board. Respondent No.1 got elected and petitioner got defeated. The petitioner seeks following reliefs:

“a. This Hon'ble Court by way of writ Mandamus of Certiorari or any other writ in the nature of mandamus of Certiorari be pleased to direct the Respondents herein to disqualify the Respondent No.1 from continuing as a 'corporator' of the Respondent No.2 cantonment board for having more than 2 children.

b. This Hon'ble Court by way of writ Mandamus or

Certiorari or any other writ in the nature of mandamus or Certiorari be please to frame guidelines for incorporating the third child norm is the Cantonment Act, 2006, for the disqualification of the candidates having more than two children.

c. This Hon'ble Court by way of writ Mandamus or Certiorari or any other writ in the nature of mandamus or Certiorari be pleased to direct the respondents herein to declare the petitioner as elected candidate on the place of Respondent No.1.”

2. It is submitted that on the lines of Municipal Corporation laws applicable to Zilla Parishad and Panchayat Samitis, the respondent no.1 be declared as disqualified as she has more than two children.

3. Admittedly, the provisions of the Cantonment Act, 2006 more precisely Section 28, 29 do not prescribe for such a disqualification attached to a member of the Board. Hence, the relief sought against the respondent no.1 cannot be entertained, neither the petitioner could be declared as elected as prayed for in prayer clause (c).

4. It is submitted that necessary guidelines be framed for incorporating in the Cantonment Act, 2006. Direction to frame guidelines by this Court would amount to legislation. On this academic question, the petitioner may submit appropriate representation to the Central authorities. In case any representation is already made, the respondent

may look into such representation. There is no merit in the petition. Writ
Petition is dismissed.

(S.B. SHUKRE, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)