

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3682 OF 2015

Kum. Deepali Chotulal Jajot ... Petitioner
V/s.
Returning Officer and others ... Respondents.

Mr. Vijay Killedar, Advocate for Petitioner
Mr. Sachin B. Shetye for Respondent no.2 Election Commission
Mr. Vikas Mali, AGP for State.

**CORAM : NARESH H. PATIL AND
VL. ACHLIYA, JJ.
DATED : 13th APRIL 2015.**

PC.

Heard. Petitioner herein filed nomination for contesting election to Ambernath Municipal Council. Nomination application was rejected by Returning Officer vide order dated 01/04/2015 as petitioner failed to comply with the provisions of section 9 (A) of Maharashtra Municipal Council Nagar-panchayat Industrial Township Act 1965. Petitioner secured the copy of the said order on 03/04/2015 and thereafter, preferred this writ petition.

2) Learned counsel for the petitioner submits that on 07/04/2015 provisions of section 9 (A) were amended and Government Resolution was accordingly issued. Learned counsel has placed reliance on **2012 (2) ALL MR 221** (Lakhansingh s/o Sadhusingh Chandel V/s Vinod s/o. Manohar

Atram and Ors.). Learned counsel further submits that rejection of nomination was not substantial character. Learned counsel for the petitioner submits that impugned order, therefore, requires to be set aside and petitioner's nomination is directed to be accepted.

3) Learned counsel appearing for Election Commission submits that petitioner failed to avail alternate remedy. Amendment brought to the provisions of section 9 (A) of the said Act is not applicable to the present case.

4) We have perused the record placed before us. Petitioner had remedy to file appeal against order passed by Returning Officer on the ground that Returning Officer did not make the copy of the order available to the petitioner till 03/04/2015. Election programme is already declared. Date of withdrawal of nomination was 08/04/2015. In view of the fact that election process is still under way, we are not inclined to exercise extraordinary writ jurisdiction under Article 226 of Constitution of India. The petitioner may resort to appropriate remedy as per law after election is over.

5) Writ petition stands dismissed.

(VL. ACHLIYA, J.)

(NARESH H. PATIL, J.)