

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

WRIT PETITION NO.6353 OF 2015

Raqui Khudbuddin Neverkar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. M. Sabrad i/by Mr. Y. D. Patil, for the Petitioner.

Mr. S. D. Rayrikar, AGP for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 3rd AUGUST, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 02.05.2015 passed by the Learned District Judge-1, Ratnagiri, by which order the application for condonation of delay in filing the Election Petition filed by the Petitioner came to be rejected. The Petitioner was a candidate for the elections which took place to the Lanja Municipal Council i.e. Respondent No.17 herein. The Petitioner lost the elections by one vote to the Respondent No.4 herein. The names of the elected Councillors were published in the Government Gazette on 21.01.2015 and therefore, in terms of Section 21(1) of the Maharashtra Municipal Councils, Nagar Panchayats & Industrial Township Act, 1965, the limitation for filing the Election Petition was up to 31.01.2015. The

Petitioner presented the Petition on 02.02.2015, the same was therefore obviously beyond the period of limitation. It is well settled by judgments of this Court that Section 5 of the Limitation Act does not apply to an Election Petition to be filed under the said Act. The Learned Counsel for the Petitioner as a last straw would contend that the period has to be reckoned from the day subsequent to the publication of the list of candidates, in my view, in the light of the clear language of Sub Section (1) of Section 21 which states that “within 10 days from the date of publication” the said contention cannot be accepted. In that view of the matter, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]