

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

WRIT PETITION NO.6636 OF 2015

Hitesh Tanaji Tamhane and anr. : Petitioners.
Versus
The Returning Officer, Agricultural Market
Committee, Ulhasnagar and ors. : Respondents.

Mr. Abhijit P Kulkarni for the Petitioners.
Mr. Kirit Hakani for the Respondent No.2.
Mrs. V S Nimbalkar AGP for the Respondent Nos. 3 and 4

CORAM : R. M. SAVANT, J.
DATE : 14th July 2015

P.C.

1 The order passed by the Appellate Authority i.e. the District Deputy Registrar, Thane allowing the Appeal filed by the Respondent No.2 herein and resulting in the rejection of the nomination filed by the Petitioners to contest from a seat meant for the economically weaker section in the ensuing elections to the Agricultural Produce Market Committee, Ulhasnagar is taken exception to by way of the above Petition.

2 The Appeal has been allowed on the ground that in terms of the Government Resolution of the year 2001, the income limit fixed for the economically weaker section in so far as rural area is concerned is Rs.20,000/- and since the Petitioners' income is above Rs.20,000/- they do not fit in the category of the economically weaker section.

3 The learned AGP draws this Court's attention to the Government Resolution dated 5/5/2001 issued by the Department of Co-operation and Textiles, Government of Maharashtra. Having regard to the said income criteria fixed, no fault can be found with the order passed by the Appellate Authority. It is also required to be noted that the elections programme is at the stage where only the voting remains. The above Petition is accordingly dismissed. However, it would be open for the Petitioner to adopt appropriate remedy after the elections are over, if the occasion so arises.

[R.M.SAVANT, J]