

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

WRIT PETITION NO. 11207 OF 2015

Arati Preetam Pardeshi .. Petitioner

V/s.

The State of Maharashtra & Ors. .. Respondents

.....
Ms. S. S. Wadekar, Advocate for the Petitioner.
Mr. P. G. Sawant, AGP for Respondent – State.
Mr. S. B. Shetye, Advocate for Respondent No.2.
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**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : NOVEMBER 17, 2015.

P.C.

The petitioner submits that the general election of Chakan Municipal Council, Pune took place on 1st November, 2015, for twenty two seats. 21 candidates got elected. Their names were notified in Government Notification. One of the candidates from Ward No.18, Smt. Savita Jaywant Ramani, died on 23rd October, 2015. The concerned officer postponed the election of Ward No.18, due to demise of the contesting candidate. Now the elections of Ward No.18 are scheduled on 29th November, 2015.

2 The counsel submits that on 10th November, 2015, the Collector called a Special General Meeting to elect President and Vice President. The said meeting is now fixed on 24th November, 2015. The election programme is already declared which is annexed to this petition. The counsel therefore urges that the said proceedings be stayed and meeting be postponed so that candidate elected from Ward No.18 could participate in the said meeting. The seat of President of Municipal Council is reserved for woman (General) category.

3 We have perused the record placed before us. According to the election programme which was declared on 10th November, 2015, the nomination papers would be submitted from 18th November, 2015. We have also perused the provisions of Sections 19 and 51 of the Maharashtra Municipal Councils, Nagar Panchayats & Industrial Townships Act, 1965. Sub-section (2) of Section 51 reads as under:

"51. Election of President

(1)

(2) The Collector shall, within twenty-five days from the date on which the names of the Councillors

elected to a Council are published or as the case may be, first published under sub-section (1) of Section 19, in the Official Gazette, convene a special meeting of the Councillors for election of a President.

Provided that, a meeting under this section shall not be held before the expiry of the term of office of the outgoing Councilors."

As election of Ward No.18 was postponed, in the facts, we are of the view that the special general meeting called by the Collector need not be stayed or postponed. As the election process is already set in motion, no interference by this Court is warranted. The petition is dismissed.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)