

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1503 OF 2016

Pandurang s/o Wanji Sonwane,
Age-64 years, Occu:Agriculture,
At Post-Hated (Bk.), Tq-Chopda,
Dist-Jalgaon.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its
The Superintendent Engineer,
Labhshetra Vikas (Irrigated Land),
Irrigation Department, Jalgaon,
- 2) The Executive Engineer,
Chopda, Dist-Jalgaon,
- 3) Deputy Engineer,
Sub Division Chopda,
Tq-Chopda, Dist-Jalgaon,
- 4) Jogeshwari Water Users Association,
[Canal Level], Sub Division, Chopda,
Tq-Chopda, Dist-Jalgaon,
Through its Director,
Shri Chandrakant s/o Gulabrao Patil,
Age-47 years, Occu:Agriculture,
R/o-Vichkheda Dhupe, Tq-Chopda,
Dist-Jalgaon.

...RESPONDENTS

...
Ms. Surekha Mahajan Advocate for Petitioner.
Mr.S.K. Kadam, A.G.P. for Respondent Nos.1 to 3.
...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 9TH FEBRUARY, 2016

ORDER :

1. Heard. The Petitioner is praying to declare, the election held on 5th January 2016 of Jogeshwari Canal Level Water Users Association, as void. The Petitioner has stated that he has already availed of the remedy of challenging the election of the elected director by adopting alternate remedy. In view of the availment of alternate remedy for redressal of the grievances, the instant Writ Petition is not entertainable.

2. It is further stated on behalf of the Petitioner that the election officer has declared the programme for electing the President of Canal Level Water Users Association and the same is

scheduled on 10th February 2016. It is requested that the directors against whom the proceedings are initiated by the Petitioner shall be restrained by the order of injunction, from participating in the meeting. It is well established principle of Election Law that an elected representative cannot be restrained by an order of injunction from performing his functions as elected representative. In this view of the matter, the request made by the Petitioner does not deserve consideration.

3. The Writ Petition is devoid of substance. The Writ Petition stands rejected.

[A.I.S. CHEEMA, J.]

asb/FEB16

[R.M. BORDE, J.]