

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7988 OF 2016

Samit Sayaji Borude

Petitioner

Versus

State of Maharashtra & others

Respondents

Mr.P.B.Shirsath, advocate for the petitioner.

Mr.S.S.Dande, A.G.P. for Respondents No.1, 2 and 4.

Mr.S.T.Shelke, advocate for Respondent No.3.

Mr.P.N.Khedkar, advocate for Respondent No.5.

CORAM : R.M.BORDE &

K.L.WADANE, JJ.

DATE : 26th July, 2016

PER COURT:

1 Petitioner is praying for issuance of directions to the Respondents not to proceed with election programme dated 20.07.2016 for electing President of Respondent No.5 - Municipal Council till election to the post of Councillor from Ward No.3-B of Respondent - Municipal Council is held.

2 Elections to the post of President of Municipal Council cannot be stalled on account of occurrence of a single vacancy of councillor. The Municipal Council is deemed to be constituted on conduct of elections of 2/3rd number of wards and once the Council is duly constituted, the process for election to the post of President or Vice President need not be stalled. Section 19(1) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, makes it clear that on conduct of election of 2/3rd number of wards, the Municipal Council shall be

deemed to be duly constituted and as such, there is no legal foundation for seeking a direction for stalling election of the President of Municipal Council. The petition is devoid of substance.

3 Writ Petition stands dismissed.

K.L.WADANE
JUDGE

adb/wp798816

R.M.BORDE
JUDGE