

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10941 OF 2016

Shilpa w/o Dinesh Pardeshi

Petitioner

Versus

1 The State of Maharashtra,
and others

Respondents

And

Raafe Hasan s/o Ali Hasan

Intervener

Mr.R.N. Dhorde, Senior Counsel i/by Mr. V.R. Dhorde, advocate for the petitioner

Mr. Rajendra S. Deshmukh, Special Counsel with Mr. S.B. Yawalkar, AGP for Respondents No.1 & 3.

Mr. S.T. Shelke advocate for Respondent No.2

Mr. N.D. Sonawane advocate for respondent No.4

Mr. V.J. Dixit Senior Counsel i/by Mr.Sushant V. Dixit, advocate for intervener

**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.**

DATE : 2nd December, 2016

PER COURT :

At this stage, the learned Special Counsel for the State prays for suspending the effect and operation of the order pronounced/passed today for a period of six weeks for facilitating the State to raise challenge to the order before the Apex Court and secure appropriate orders.

2 It shall be noted that the term of outgoing President of the Municipal Council is due to expire on 28th December, 2016. In view of the provisions of Article 243-U of the Constitution, it is obligatory on the part

of the State Election Commission to hold elections before expiry of its duration as specified in clause (1) of Article 243-U. Since the tenure of the Municipal Council, in the instant case, is to expire by 28th December, 2016 and the State Election Commission requires at least 45 days for completing the process of election, the request made by the learned Special Counsel for the State for suspending the operation of the order pronounced today, does not deserve consideration. The State Election Commission shall forthwith proceed to issue notification for holding election of the Municipal Council and take steps for completing the process of election expeditiously.

[SANGITRAO S. PATIL]
JUDGE

[R.M. BORDE]
JUDGE

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