

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11199 OF 2016

Momin Khalid s/o. Shaikh
Mahtab Saheb,
Age : 60 years, Occ. Business,
r/o. Pear Moosi Nagar,
Udgir, Tq. Udgir, Dist. Latur
and anr. ..Petitioners

Vs.

The State of Maharashtra,
through its Secretary,
Urban Development Department,
Mantralaya, Mumbai
and ors. ..Respondents

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Mr.A.S.Gandhi and Mr.S.A.P.Quadri, Advocates for
petitioners

Mr.M.M.Nerlikar, AGP for respondent nos.1 and 3

Mr.S.T.Shelke, Advocate for respondent no.2

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

DATE : NOVEMBER 16, 2016

PER COURT :

Heard.

2. The petitioners are objecting to the
validity and correctness of the notification

issued by the Urban Development Department prescribing reservation for the post of the President of respondent no.4 – Municipal Council for the purpose of election scheduled on 18.12.2016.

3. In view of the Bar contained under Article 243-ZG of the Constitution of India, no interference needs to be caused after commencement of the process of election. Apart from this, the petitioner is unable to point out infraction of any Rule prescribing reservation of the offices of the President of the Municipal Council.

4. Our attention is invited to Rule 3 of the Maharashtra Municipal Councils (Direct Elections to the post of President) Rules, 2016 ("Rules of 2016", for short), which prescribes for the reservation of offices of the President and the procedure for allotting the reserved seats of different Municipal Councils.

5. The petitioner has failed to demonstrate any infraction of the stipulation contained in Rule 3 of the Rules of 2016. Even otherwise, the challenge raised in the instant petition does not deserve consideration.

6. The Writ Petition is devoid of substance and as such, stands rejected.

[SANGITRAO S. PATIL, J.]

[R.M. BORDE, J.]

kbp