

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

906 WRIT PETITION NO. 11047 OF 2016

KHAN SHAKIR KHAN SHABBIR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : A.P. Gaikwad h/f. Kazi S.S.
AGP for Respondent/State : S.K. Tambe
...

CORAM : T.V. NALAWADE, J.
DATED : 16th November, 2016.

ORDER :

1. The petition is filed to challenge the order made by the Returning Officer by which nomination form of the petitioner for election to the Municipal Council Faizpur is rejected. It appears that no appeal as provided under Rule 15 (2) of the Maharashtra Municipal Councils, Nagar Panchayats Election Rules, 1966 was filed and directly present proceeding is filed. When the order was made by the Returning Officer on 3.11.2016, the present proceeding came to be filed on 6.11.2016.

2. The learned counsel for the petitioner placed reliance on the case reported as **(2001) 10 Supreme Court Cases 740 [State of Tripura Vs. Manoranjan Chakraborty and Ors.]**

and submitted that even if alternate remedy is available, writ petition can be maintainable. This being a proceeding with regard to the election strict compliance of the procedure is expected. This Court holds that writ petition cannot be entertained in view of the nature of dispute. The petition is dismissed with liberty to file election petition. All the points are kept open.

[T.V. NALAWADE, J.]

SSC/