

hvn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 9 OF 2016

Sanjay Deeu Laxman Jadhav & Ors. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. C.G. Gavnekar for the petitioner.

Mr. S.P. Thorat for respondent nos. 4 and 5.

Mr. Asif Patel, AGP for respondent nos. 1 and 2.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : JUNE 24, 2016.**

P.C.

Parties through their counsel.

2. A preliminary objection has been raised by the learned counsel for respondent no. 4 that the petition cannot be said to be a Public Interest Litigation as according to him, respondent no.2 had formed a panel for contesting the election of Dahagaon Gram Panchayat which has been newly constituted in pursuance of the impugned notification and from his panel petitioner no. 3 contested the election and got elected. In the circumstances, according to respondent no. 4 the petitioner No. 2 and 3 having taken the benefit of the notification cannot pursue this petition and

the PIL cannot be entertained as a Public Interest Litigation.

3. Keeping in view the aforesaid, we are not inclined to entertain this petition. However, we dispose of this petition with a liberty to the petitioner Nos. 1 and 4 to seek appropriate remedy as may be available to them in respect to the questions raised in this petition. Petition is disposed of.

(MAKARAND KARNIK, J.) (SHANTANU KEMKAR, J.)