

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.518 OF 2016

Deoram Punja Tambe and another	Petitioners
versus	
The State of Maharashtra and others	Respondents

Mr.Amit Borkar with Mr.S.M.Sabrad for Petitioners.
Mrs.Vaishali Nimbalkar, AGP for Respondents 1 to 3.

CORAM : M.S.SONAK, J.

DATE : 14 January 2016

PC :

1. The learned counsel for the Petitioner states that Respondent no.5 has refused to accept the service and Respondent nos.4 and 6 have been duly served. Similarly, service is complete on Respondent nos.1 to 3 who are represented by Ms.Nimbalkar. Learned counsel states that affidavit-in-service will be filed in the course of the day.

2. The elections are scheduled on 15 January 2016. There is no specific challenge to the election programme as such. The learned counsel for the Petitioner now seeks leave to amend the petition to challenge the election programme. At this stage, if leave to amend is granted, obviously, liberty shall have to be granted to the Respondents to meet with the

amended challenge. Rather than permitting the amendment at this stage, it will be appropriate if the Petitioner is relegated to avail other statutory remedy to challenge the proposed election.

3. Therefore, on the ground of availability of alternate remedy, this petition is not entertained. The petition is dismissed. There shall be no order as to costs. All contentions of the parties on merits are, however, kept open.

(M.S.SONAK, J.)

MST