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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3430 OF 2016

Somnath Kashinath Shirke and anr Petitioners.
V/s.
The State of Maharashtra and ors Respondents

Mr. Ajit R. Pitale, for the petitioners.

Mr. V. M. Mali, A.G.P., for the Respondent-State.

Mr. S.B. Shetye, for respondent No.2.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 22nd MARCH, 2016.

P.C. :

1. Heard Mr. Pitale, learned counsel for the petitioner, Mr. Mali, learned AGP for the State and Mr.S. B. Shetye, learned counsel for respondent No.2.
2. By this petition, the petitioners are challenging the Notification dated 26.2.2016, issued under Rule 5(1) of the Bombay Village Panchayat (Number of Members, Divisions into Wards and Reservation of Seats) Rules, 1966 (for short called as, "said rules").
3. The Notification under Rule 5(2) of the said rules, was issued on 28.1.2016 inviting objections from the public at large during the period

from 28.1.2016 to 6.2.2016. Thereafter the Designated Officer of the Election Commission has given hearing to the persons, who raised objections to the draft Notification on 14.2.2016 and 15.2.2106 and thereafter final Notification under Rule 5(1) of the said rules, was issued on 26.2.2016. That apart, the election programme has already been published on 18.3.2016 and acceptance of nomination is scheduled during period from 29th March, 2016 to 2nd April, 2016.

4. In the circumstances, we find that the election process has already been commenced, we are therefore, not inclined to entertain this petition especially when the petitioner has an alternate efficacious remedy of filing Election Petition. The petition is accordingly dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]