

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6398 OF 2016

[Madhukar s/o Dadaji Zade and others .vs. Returning Officer (Sub-Divisional Officer, Wani) and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.O. Ahmed, counsel for the petitioners,
Mrs. B.H. Dangre, Government Pleader for respondent no.1,
Shri M.I. Dhattrak, counsel for respondent no.2.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : NOVEMBER 21, 2016.

By this writ petition, the petitioners challenge the order of the respondent no.2, dated 14.10.2016, overruling an objection to the voters lists, for the election to Municipal Council, Wani.

The learned Government Pleader and the learned counsel for the Municipal Council raise a preliminary objection to the tenability of the writ petition. It is stated that the elections are scheduled on 27.11.2016 and in view of the well settled position of law, this Court may not entertain the writ petition after the election process has commenced. It is stated that the symbols are allotted to the contesting candidates for the election scheduled on 27.11.2016.

We uphold the preliminary objection raised on behalf of the respondents and refuse to entertain the writ petition after the election process has commenced, in view of the settled position of law. If so advised, the petitioner may take up appropriate proceedings after the election is concluded.

The writ petition is dismissed with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE