

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 5106 OF 2016

**LAXIMAN NARAYAN HOLAMBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Petitioner : Mr. Munde Sambhaji G.
AGP for Respondents 1 to 4 and 6 : Mr. A.R.Kale
Adv. For resp.nos. 5 and 7 : Mr. V.R.Sonwalkar**

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CORAM : R.M.BORDE AND K.L.WADANE, JJ.

DATED : 24th APRIL, 2017

O R D E R :

Prima facie, the petitioner has no concern, since he is not an elected representative. The petitioner contends that if the seat occupied by the elected representative becomes vacant, he will contest the by-election for filling up the said vacancy. The petitioner seeks direction to the respondents to hold that the elected representative is disqualified on account of their failure to submit validation certificate. Though the Full Bench of this Court has held the concerned provision requiring the elected representative to tender validation

certificate within the stipulated time mandatory, the decision of the Full Bench is the matter of consideration in Special Leave to Appeal pending with the Supreme Court and the Hon'ble Supreme Court has directed the stay of the operation of the order of the Full Bench of this Court.

2. In this view of the matter, instant petition does not deserve any consideration.

3. Writ Petition, as such, stands rejected.

(K.L.WADANE, J.)

(R.M.BORDE, J.)

dbm/wp5106.16