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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1768 OF 2017

Mr. Sharad Kundlik Barne

.. Petitioner

Vs.

The Returning Officer and anr.

.. Respondents

Mr. G. S. Godbole i/by Ulka Saranjame for petitioner.

Mr. A. P. Kulkarni for respondent no.1.

Ms. Dhanashree Mondkar i/by Mr. S. B. Shetye for respondent no.2.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

FEBRUARY 10, 2017.

P.C.

1. Learned counsel appearing for the petitioner submitted that three nomination papers were submitted by the petitioner. The concerned Clerk assigned with the duties had endorsed on the nomination papers submitted first in time as Independent Candidate. The petitioner, therefore, was not considered as a candidate belonging to Nationalist Congress Party. Learned counsel prays for direction that the respondents shall correct the mistake and issue symbol of Nationalist Congress Party.

2. Learned counsel appearing for the respondents submit that the election process is already set in motion, the symbols were already allotted and, therefore, it would not be possible to change the symbol at this stage.

3. We have perused the record, considered the submissions. In the facts, it would not be appropriate at this stage to allot the symbol to the petitioner.

4. In the facts, we find that the petitioner has alternate statutory remedy after the election results are declared. Petitioner is at liberty to resort to alternate remedy. Without expressing any opinion on merits, petition stands dismissed.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)