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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1629 OF 2017

Dhanshree Dhananjay Varhadi

...Petitioner

Vs.

Election Officer & Ors.

...Respondents

Ms. Shama Mulla for the Petitioner

Mr. S.B. Shetye a/w. Mr. A.P. Kulkarni for Respondent No.2

Mr. Vikas M., AGP for the State

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED : 7TH FEBRUARY, 2017

P.C. :

The Petitioner's nomination paper was rejected by an order dated 5th February 2017 by the Returning Officer. According to the Returning Officer the Proposer failed to sign or put thumb impression in support of the Petitioner as a candidate.

2. Learned Counsel appearing for the Petitioner submits that this is a technical mistake which could be cured and nomination paper on that ground ought not to be rejected.

3. Mr. Shetye learned Counsel appearing for the State Election Commission submits that Rules framed under the Maharashtra Municipal Corporation Act, 1949 are mandatory in nature. The election programme is already declared. Today's date is fixed for withdrawal of candidature.

4. We perused the record and the Rules. The election process is already set in motion. In the facts at this stage we are not inclined to exercise our writ jurisdiction. However, the Petitioner is at liberty to resort to appropriate statutory remedy after the election results are declared.

5. With the above observations the Petition is dismissed.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)