

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

WRIT PETITION NO. 1701 OF 2017

Sunil Shivkumar Pawar ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

Mr. A.Y. Sakhare, Senior Counsel a/w. Mr. P.D. Paranjape i/b. Swapna P. Kode for the petitioner.

Mr. Vikas Mali, AGP for the State.

Mr. Girish Godbole i/b. Sandesh D. InamdarShinde and B.A. Lawte for respondent no.5.

Advocate Oorja Dhond for respondent BMC.

**CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.**

16th February, 2017.

P.C.

Learned Senior Counsel appearing for the petitioner alleges that respondent nos. 5 and 6 are the voters at two places Mumbai and Satara District. Respondents nos. 5 and 6 filed nomination to the Mumbai Municipal Corporation Election from Ward No. 156. Their nomination came to be accepted. Learned Counsel submits that inspite of taking

objection the Returning Officer did not pass any order on the objections raised by the petitioners.

2. Learned Counsel appearing for respondent no.5 submits that election process is set in motion. The petitioner has alternate statutory remedy which can be availed of, if petitioner chooses to do so.

3. We perused the record. It is alleged that petitioner raised objection but Returning Officer did not attend to the objection and pass order on the same. On this issue the petitioner may file a comprehensive representation to the State Election Commission.

4. The election process is set in motion. The elections are well underway. Therefore, at this stage we are not inclined to interfere in the matter in exercise of our writ jurisdiction. We refer to provisions of Section 243ZG of the Constitution of India. The petitioner has alternate statutory remedy under Section 16 of the Maharashtra Municipal Corporation Act, 1949. Writ Petition is rejected.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)