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

WRIT PETITION (ST) NO.22578 OF 2017

Nayana M. Vasani

...Petitioner

Vs.

Mira Bhayander Municipal Corporation

...Respondent

Mr. S.M. Gorwadkar, Sr. Advocate a/w. Sandesh Patil

i/b. Anusha P. Amin,

Advocate for the Petitioner

Mr. M.S. Lagu, Advocate for Respondent Nos. 1 & 2

Mr. I.A. Shaikh i/b. Mr. S.B. Shetye, Advocate for Respondent No.3

Mr. B.V. Samant, AGP for Respondent No.4

Mr. S.S. Kulkarni a/w. Mr. Dhiraj Shrivastav,

Advocate for Respondent No.6

CORAM : B.R.GAVAI &

M.S. KARNIK, JJ.

DATED: 8TH AUGUST, 2017

P.C.:

1. The Petitioner has approached this Court being aggrieved by rejection of her nomination form. It is the contention of the Petitioner that the Returning Officer has no jurisdiction to reject her nomination form only on the ground of incorrect information given in the affidavit.

2. On perusal of the Election Programme it reveals that the last date for withdrawal as well as the date for allotment of the symbol are already over. We are of the considered view that interference at this stage would amount to interference in the Elections. Learned Counsel for the Petitioner has relied on the decision of the Apex Court in the case of **Election Commission of India Vs. Ashok Kumar & Ors. (2000)8 SCC 216** where it is held that this Court exercising jurisdiction under Article 226 of the Constitution of India and passing any orders after commencement of the election process, shall amount interference in the Election process.
3. In any case the ground of improper rejection of nomination paper is available for filing Election Petition.
4. In that view of the matter as alternate remedy is available to the Petitioner, the Petition is accordingly rejected.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)