

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

WRIT PETITION NO.10770 OF 2017

Shri Sangram Dattatraya Patil

... Petitioner

Vs

The Collector, Kolhapur & Ors.

... Respondents

...

Mr. Anand S. Patil for the Petitioner.

Mr. S. D.Rayrikar, AGP for the Respondent Nos. 1, 2 and 5.

CORAM : M. S. SONAK, J.
DATE :28 SEPTEMBER, 2017

P.C. :

1. Heard learned counsel for the parties.
2. The order impugned in this case was made on 11th March 2015. The petitioner, has already instituted an appeal against the impugned order.
3. Today, when the last date for filing of nominations for fresh elections is scheduled for 29th September 2017 i.e. tomorrow, the petitioner makes a grievance that his appeal is not being taken up for disposal expeditiously. As a result, the petitioner contends, that he may not be in a position to file the nominations by tomorrow. On this ground, he seeks interim reliefs to direct the returning officer to accept the petitioner's nomination paper.

4. If the petitioner's grievance right from March 2015 was that the petitioner's appeal or application for interim relief therein is not being expeditiously considered by the appellate authority, the petitioner, ought to have taken steps in that regard much earlier. At the stage when the last date for filing of nomination papers is tomorrow i.e. 29th September 2017, it is not possible, for this Court to stay the disqualification order made on 11th March 2015 or to issue some mandatory direction to the returning officer, now that the election process has already commenced. Any order of this nature, at this stage, is bound to derail the election process which has substantially advanced.

5. Since, appeal is already pending, there is no question of this Court, examining the validity or otherwise of the impugned order dated 11th March 2015.

6. For the aforesaid reasons, this petition is dismissed. There shall however be no order as to costs.

(M. S. SONAK, J.)