

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.420 OF 2017**

Digambar Rajaram Arlekar	... Petitioner
v/s	
The State of Maharashtra and others	... Respondents

Mr Samir Sarambalkar for Petitioner.
Mr D.S. Mondkar Hule with Mr S.B. Shetye for Respondent No.2.
Ms Kejali Mastakr for Respondent No.3 - MCGM.

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

DATE : 17th FEBRUARY 2017

P.C. :-

1. The Petitioner wanted to file a nomination paper. He could not file it due to technical snag in the server. According to the procedure prescribed by the State Election Commission, a candidate has to apply on-line and thereafter take print out of the nomination form and submit it to the Returning Officer.

2. The Petitioner addressed a representation to the

Commissioner on 5th February 2017.

3. The election process is set in motion. The voting is fixed on 21st of this month. The learned counsel appearing for Petitioner, relying upon the judgment in the case of Anil Vidyarthi C. Ailani v/s State of Maharashtra and others, reported in 2016(2) Mah.L.J. 708 contended that Article 243-ZG of the Constitution of India does not impose a complete bar for exercise of power under Article 226 of the Constitution of India. The Petitioner has statutory alternate remedy which could be exercised after the election results are declared.

4. We direct the State Election Commission to look into the matter and call for the report in respect of the grievance of the Petitioner.

5. Petition is disposed of.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)