

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 485 OF 2017

Mahendra Krishnarao Pawar .. Petitioner
Vs.
Central Election Officer and ors. .. Respondents

Mr.Satish Kumbhar a/w Ms.Jyoti Chavan, for the Petitioner.
Ms.Vandana Mahadik, for MCGM.

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

15th FEBRUARY, 2017

P.C. :

. The petitioner challenges acceptance of nomination papers of respondent No.4 by the Returning Officer. Learned Counsel for the petitioner submits that respondent No.4 – Mr. Vishvanath Pandurang Mahadeshwar filed nomination papers for contesting elections of Mumbai Municipal Corporation. The petitioner raised objection to the acceptance of the nomination papers. The petitioner's contention is that the respondent No.4 had purchased a flat in the Society of employees of Mumbai

Municipal Corporation. Respondent No.4 is not the employee of the Corporation. There are dues to be paid by the Society, therefore, the respondent No.4 was to be held as disqualified to file nomination and contest the election in view of provisions under Section 16(fa) of the Mumbai Municipal Corporation Act, 1888 (for short 'MMC Act').

2. We have perused the record and provisions of the Act. We would refer to the provisions of Article 243 - ZG of the Constitution of India and Section 33 of the MMC Act. Election process is set in motion. The issue raised by the petitioner requires enquiry and would relate to examination of fact which cannot be gone into at this stage. In the facts, we are not inclined to interfere in the matter. The petitioner has statutory alternate remedy by filing Election Petition after election results are declared. The Petition is rejected accordingly.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)