

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.11188 OF 2017

Vijay Damu Patil ... Petitioner.

Versus

Smt.Saeeda Iqbal Ansari
and others. ... Respondents.

...

Mr.P.R.Katneshwarkar, advocate for the petitioner.
Mrs.M.A.Deshpande, Additional Government Pleader
for the State.

Mr.A.S.Savale, advocate for Respondent No.1.
Mr.J.R.Shah, advocate for Respondent No.3.

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**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 29.01.2018.

PER COURT :

1. The petitioner assails the validity certificate issued by the Respondent No.2 Committee in favour of Respondent No.1.

2. Mr.Katneshwarkar, learned counsel submits that the petitioner is an Ex-President of

Respondent No.3 Municipal Council. The learned counsel further submits that the wife of the petitioner had contested the election against the Respondent No.1. According to learned counsel, there is ex-facie illegality committed by the Committee in issuing validity certificate in favour of Respondent No.1.

3. Learned advocate submits that the certificate which was submitted by the Respondent No.1 along with the nomination form is not referred to the Committee but a different certificate was referred to the Committee. The Respondent No.1 does not belong to Ansari OBC caste. In such circumstances, the petitioner would have every right to agitate against the validity certificate issued in favour of Respondent No.1.

4. Learned A.G.P. supports the validity issued in favour of Respondent No.1.

5. The petitioner is not councillor of Respondent No.3 Municipal Council. He is not

concerned with the validity issued in favour of Respondent No.1. The wife of the petitioner has contested the election against the Respondent No.1 and had lost. We could have appreciated the contentions as raised if the same were raised by the wife of the petitioner. The Apex Court in the case of **"Ayaubkhan Noorkhan Pathan Vs. State of Maharashtra and others"** reported in **(2013) 4 Supreme Court Cases 465**, has observed as under :

"23. Thus, from the above it is evident that under ordinary circumstances, a third person, having no concern with the case at hand, can not claim to have any locus standi to raise any grievance whatsoever. However, in exceptional circumstances as referred to above, if the actual persons aggrieved, because of ignorance, illiteracy, inarticulation or poverty, are unable to approach the court, and a person, who has no personal agenda, or object, in relation to which, he

can grind his own axe, approaches the court, then the court may examine the issue and in exceptional circumstances, even if his bona fides are doubted, but the issue raised by him, in the opinion of the court, requires consideration, the court may proceed sue motu, in such respect."

6. The petitioner can not be said to be an aggrieved person. In view of that, we are not inclined to entertain the Petition filed on behalf of the petitioner as he would not come within the scope and ambit of aggrieved person.

7. In view of the above, the Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

