

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

WRIT PETITION NO.13741 OF 2018

**SHIVAJI RAMRAO GANAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Shri Ankush N. Nagargoje
AGP for Respondents No. 1 to 3 : Shri P. S. Patil
Advocate for Respondent No. 4 : Shri Dhananjay M. Shinde
...

**CORAM : S.V. GANGAPURWALA &
K.K. SONAWANE, JJ.**

DATE : 22nd AUGUST, 2019.

PER COURT :

1. We have heard Mr. Nagargoje, learned counsel for the petitioner. Learned advocate submits that the order passed by the authorities is illegal. The respondent cannot get benefit of the first ordinance issued on 11 October, 2018. Thus, same is applicable only to the elections conducted after 31st March, 2016. The election in question is conducted in 6th August, 2015. The Collector has wrongly relied upon the ordinance. The learned counsel submits that second ordinance issued, is against the judgment of the Apex Court and the full bench of this Court in case of **Anant Ulhalkar Vs. Chief Election Commissioner reported in 2017 (1) Mh.L.J. 431.**

2. Mr. Shinde, learned advocate for respondent No. 4 supports the order.

3. The matter has remained only academic and even if it is assumed for a moment that the ordinance of 2018 would not enure to the benefit to the respondent, still the petitioner would be covered by the second ordinance. The life of the said ordinance also had come to an end.

4. In the light of the above, the Writ Petition is disposed of. No costs. It is made clear that the petitioner may assail the ordinance / act in appropriate proceeding.

(K. K. SONAWANE, J.)

(S. V. GANGAPURWALA, J.)

SVH