

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12168 OF 2018

Kamal Sunderdas Bathija }	
and Anr.	} Petitioners
versus	
State Election Commission }	
and Ors.	} Respondents

Mr.N.R.Bubna I/b. M/s.Law Global
Advocates for the petitioners.

Mr.Sarika V. Shetye I/b. Mr.S.B.Shetye for
respondent no.1.

Mr.A.A.Purav-AGP for respondent nos. 2,
3, 4 and 6 (State).

Mr.Vijay D. Patil for respondent no.5.

Mr.L.M.Acharya I/b. Mr.Anish Khandekar
for respondent no.7.

CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.

DATE :- MARCH 26, 2019

P.C. :-

1. After arguing the matter for some time, Mr.Bubna says that the only request made by the petitioners and which has not been attended to, is to disqualify respondent no.7 as a Councillor as also the Mayor of the Ulhasnagar Municipal Corporation.

2. Mr.Patil appearing for the Municipal Corporation says that the petitioners have never approached the Commissioner and therefore, such an allegation is baseless.

3. Upon a perusal of this writ petition and its annexures, we direct that the memo of this writ petition along with its annexures be treated as an application of the petitioner seeking to disqualify respondent no. 7 and therefore, the Municipal Commissioner should take cognizance thereof and decide it in accordance with law. Let the needful be done within a period of four weeks from today.

4. With the aforesaid directions, the writ petition is disposed of.

5. This order is passed in the facts peculiar to this case and it shall not be treated as a precedent for any other cases for we have found that the respondent no.7 is now the Mayor of the Ulhasnagar Municipal Corporation.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)