

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.580 OF 2019

Navnath Dnyanoba Masal and Anr.

...Petitioners

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Jagdish Reddy for the Petitioners.

Mrs. M. S. Srivastav, AGP for the Respondent Nos.1 to 4.

Mr. Sanjeev Kadam a/w. Ms. Vilasini Balasubramanian, Ms. Varsha Thorat and Mr. Prashant Raul for Respondent No.5.

**CORAM : B. P. DHARMADHIKARI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATE : 10/10/2019.**

PC.:

. Heard respective learned counsel. The petitioner is a person who had earlier contested election from the same ward. Respondent No.5 has been elected in recent election from adjacent ward and has been given validity as OBC. Learned counsel states that as an active politician and citizen, as an ex-sarpanch and member of village panchayat, he cannot be seen as a stranger.

2. Learned counsel for respondent No.5 relies upon judgment of Hon'ble Apex Court in the case of *Ayaubkhan Noorkhan Pathan vs. State of Maharashtra and Ors., (2013) 4 Supreme Court Cases 465*. It is pointed out that the said judgment is followed at Bombay by Division Bench in Writ Petition No.4708/2016 and the said petition has been dismissed on 22/11/2017.

3. In the light of aforesaid judgments, we find the present challenge at the instance of the petitioner not maintainable. The petition is accordingly disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

(B. P. DHARMADHIKARI, J.)