

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

6 WRIT PETITION NO.3729 OF 2019

IKRAMODDIN AMIRODDIN SHEKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr.Deepak D. Chaudhari

AGP for Respondent Nos.1 and 2 : Smt.M.A.Deshpande

Advocate for Respondent Nos.3 and 4 : Smt.Usha P. Kale

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**CORAM : S.V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 12/03/2020.

PER COURT :-

1. In the present writ petition, the petitioners are assailing the nomination of respondent No.4 as a Councilor of respondent No.3 Municipal Council. Petitioner Nos.2 to 4 were held to be ineligible to be considered as Councilor. Petitioner No.2 claims to be a voter.

2. The selection of nominated Councilor can be assailed by an election petition.

3. The matter would involve dispute of question

of fact as to the qualification of respondent No.4 vis-a-vis his stint as a Trustee with the Trust.

4. In view of the judgment of the Full Bench of this Court in Writ Petition No.8962 of 2013 decided on 10/06/2014(Bombay), the remedy of election petition is available.

5. In light of that, the present Writ Petition is not entertained.

6. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE