

(1)

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

WRIT PETITION NO.7554 OF 2022

**ILYAS IQBAL MEMON
VERSUS
THE SECRETARY STATE ELECTION COMMISSION AND
OTHERS**

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Mr G. D. Jain, Advocate for petitioner;
Mr A. B. Kadethankar, Standing Counsel for respondent No.1
Mr S. K. Tambe, A.G.P. for respondent No.2
Mr N. R. Dayma, Advocate for respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd August, 2022

PER COURT:

1. The petitioner has put forth prayer clause (B), which reads as under :-

“B) By way of appropriate writ, order or direction in the like nature, this Hon’ble High Court be pleased to issue directions to the respondent No. 2/ The District Collector, Jalgaon, to decide representation dated 12.05.2022 made by the petitioner to the respondent No. 2/The District Collector, Jalgaon, in respect of taking objection in respect of Draft Formation of Ward No. 15, General Election 2022 – Bhusaval Council (A – Category), after giving proper opportunity of being heard to the petitioner also communicate the decision to the petitioner.”

(2)

2. We have heard the learned Advocate for the petitioner, the learned Advocate appearing for the State Election Commission and the learned A.G.P. for the District Collector, Jalgaon.

3. The learned Advocate for the State Election Commission, submits that the Hon'ble Apex Court has issued a mandate that the elections should be conducted and there shall be no further delay. The Ward formation has already been formalized. The voters list was also formalized and the nominations shall be processed. He also places reliance upon the order passed by this Court, dated 05/07/2022, in Writ Petition No.6765/2022, filed by Anant Baburao Golait (Gahilot) Vs. State Election Commission of Maharashtra and others, with a group of matters.

4. The learned Advocate for the petitioner, in the light of the above, submits that, keeping liberty to avail of a statutory remedy open for the petitioner, this petition could be disposed off.

5. In view of the above, this petition is disposed off. Needless to state, the petitioner would be at liberty to avail of a remedy, as is permissible in law.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk