

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

WRIT PETITION No. 5334 OF 2021

Nitesh Sudhakar Mungekar ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Sandesh Patil i/b. Adv. C. Y. Shah for the Petitioner.
Mr. Mayuresh Lagu for the Respondent-Corporation
Mr. Hardik Joshi for the Respondent No. 3
Mr. Y. D. Patil, AGP for the Respondent-State.

**CORAM : A. A. SAYED &
ABHAY AHUJA, JJ**

**DATED : 8th FEBRUARY, 2022
(Through VC)**

P.C.:

The Petitioner has impugned the order dated 20th August, 2021 passed by the Minister, Urban Development Department dismissing the Appeal of the Petitioner. The Petitioner has questioned the nomination of the five Councillors to the Respondent- Mira Bhayander Municipal Corporation.

2. We note that in the order dated 2nd August, 2021 of the Supreme Court in Civil Appeal No. 4546 of 2021, it is recorded that all contentions have been left open.

3. The issue of law has been settled by the Full Bench of this

Court in Anil (Vidyarthi) Chanderlal Ailani vs. State of Maharashtra & Ors. 2016(2) Mh.L.J. 708. The Full Bench has held that remedy of election dispute before the Judge under section 16 of the Maharashtra Municipal Corporation Act is available to a voter to question the nomination of nominated Councillor.

4. In the circumstances, we are not inclined to interfere with the impugned order. Leaving the remedy of the Petitioner open, we dismiss the Petition.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)