

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7524 OF 2022

(IRSHAD KHAN AHMED KHAN PATHAN..VS.. AGRICULTURE PRODUCE MARKET COMMITTEE &
OTH)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri H.S. Chawhan, Advocate for Petitioner.
Shri R.L. Khapre, Sr.Advocate a/b. Shri P.A.Deshpande & Shri Lone, Advs. For
Respondent No.1.
Ms Shamsi Haider, A.G.P. for Respondent No.2.

CORAM : ANIL S. KILOR, J.
DATED : APRIL 20, 2023.

1. Heard at length.
2. The present writ petition pertains to election of the respondent-Agricultural Produce Market Committee, Ner and the grievance is mainly relating to induction of 188 new members from the category of Hamal.
3. The learned counsel for the petitioner is not disputing that the election programme is published and the elections are scheduled to be held on 28/04/2023. The last date of nomination was 03/04/2023. Moreover, all the respondents are not yet served.
4. In that view of the matter, since the election programme has already published and the election process has commenced, in view of the law laid down by the

Hon'ble Supreme Court of India in the case of *N.P.Ponnuswami..vs..Returning Officer Namakkal Constituency*, reported in **AIR 1952 SC 64**, since alternate remedy by way of election petition is available to the petitioner, I am not inclined to entertain the present writ petition.

5. Accordingly, the Writ Petition is **disposed of** with liberty to the petitioner to file Election Petition, if he so desires.

In the circumstances, the parties to bear their own costs.

JUDGE

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