

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16065 OF 2025**

Mohan Kotaiah Dasi @ D. Mohan versus State of Maharashtra and Ors.		Petitioner Respondents
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Ms. Minal Chandnani with Mr. Monish Bhatia, for Petitioner.
Mr. P.V.Nelson Rajan, AGP for Respondent No.1.
Mr. Balkrishna Joshi, for Respondent No.2.
Mr. S.B.Shetye, with Mr. Akshay Pansare, for Respondent No.4.

DATE : 28 NOVEMBER 2025

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 24 November 2025 passed by the learned District Judge, Kalyan, thereby rejecting the application for condonation of delay preferred by the Petitioner in preferring an appeal under Rule 5 of the Maharashtra Municipal Councils and Nagar Panchayats Election Rules, 1966.
3. The Petitioner is an elector at Ambarnath Municipal Council. Election programme for the election to the Councillors of Ambarnath Municipal Council has been declared. Respondent No.3 filed a nomination form for the election to the office of the Councillor of Ambarnath Municipal Council. During the course of scrutiny, the Petitioner pointed out multiple disqualifications

Respondent No.3 suffers from, and the gross suppression in the nomination form. However, the Returning Officer (R2) allegedly accepted the nomination form of Respondent No.3 in an arbitrary and mechanical manner.

4. Hence, the Petitioner was constrained to prefer an appeal before the learned District Judge. However, on account of technical glitches, the appeal could not be e-filed within the stipulated period of three days. Therefore, the Petitioner filed an application for condonation of one day's delay in filing appeal.

5. By the impugned order, learned District Judge rejected the application observing that no sufficient cause was ascribed for the delay, and even otherwise, on account of the passage of time, it would not be possible to take further steps as warranted by the provisions contained in Rule 15, for the purpose of hearing of appeal. Thus, the application came to be rejected.

6. Ms. Chandnani, learned Counsel for the Petitioner, would submit that the Petitioner has been deprived of the right to assail an improper acceptance of the nomination form of Respondent No.3 for no fault on his part. Attention of the court was invited to the averments in the application for condonation of delay. It was submitted that, having regard to only one day's delay, learned District Judge ought to have condoned the delay and heard the appeal on merits so as to maintain the purity of the electoral process.

7. In opposition to this, Mr. Joshi, learned Counsel for Respondent No.2

submitted that the Petitioner has an efficacious remedy of challenging the election in an election petition on the ground of improper acceptance of the nomination, and, at this stage, no intervention is warranted by the writ court.

8. Mr. Shetye, learned Counsel for Respondent No.4 would urge that, in the backdrop of the strict timeline provided under Rule 15 of the Election Rules, there is no scope for entertaining an application for condonation of delay. Moreover, the electoral process has advanced far and even symbols have been allotted to the candidates on 26 November 2025 and the votes are to be cast on 2 December 2025. Thus, at this stage, the Petition does not deserve to be entertained

9. Evidently, the Petitioner has an efficacious remedy of preferring an Election Petition after the results of elections are declared. At this juncture, having regard to the time sensitivity of the electoral process, the Court is not expected to intervene, as it would amount to interdicting the electoral process.

10. In the case of **Election Commission of India V/s. Ashok Kukar and Ors.**¹, a three Judge Bench of the Supreme Court has enunciated that if the challenge before the writ court has the effect of interrupting, obstructing or protracting the election programme in any manner, invoking the judicial remedy has to be postponed till after the proceedings in election.

11. In the case of **Karmaveer Tulshiram Autade and others V/s. State**

¹ (2000) 8 SCC 216

Election commission, Mumbai², a Full Bench of this Court in the context of the provisions contained in Section 15 of the Maharashtra Village Panchayat Act, 1959 enunciated that sub-sections (1) and (2) of Section 15 of the said Act, if read together, were of wide import and would take within its fold a grievance raised against illegal, improper rejection of nomination paper. This proposition would also govern a case of improper acceptance of the nomination form. Resultantly, the petitioner, in a situation of the present nature, will have to work out his remedies by way of an election petition.

12. In the aforesaid view of the matter, at this stage, this Court does not find it expedient in the interest of justice to entertain the Petition.

13. The Writ Petition, thus, stands dismissed.

14. All contentions of the petitioner are however kept open in the event an occasion arises for him to assail the election in an election petition.

(N.J.JAMADAR, J.)

² 2021(2) Mh.L.J. 349.