

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

SUO MOTO WRIT PETITION NO.4 OF 2025

In Re : Order dated 29th December 2025 passed by the
Municipal Commissioner, Brihanmumbai.

Dr. Milind Sathe, Advocate General, with Ms. P.H. Kantharia, Government Pleader and Ms. Jyoti Chavan, Additional Government Pleader for the Petitioner-State of Maharashtra.

Mr. Ashutosh Kumbhakoni, Senior Advocate, with Mr. Akshay P. Shinde, Advocate for the Respondent-Election Commission of India.

Mr. Ravi Kadam, Senior Advocate, with Mr. Pralhad Paranjape, Ms. Komal Punjabi and Mr. Santosh Mali, Advocates for the Respondent-Municipal Corporation.

Mr. Sachindra Shetye, Advocate, with Mr. Akshay Pansare and Mr. Suraj Chakor, Advocates for the Respondent-State Election Commission.

Mr. Gajanan Bellale, Assistant Commissioner, BMC-Election is present in the Court.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 5TH JANUARY 2026.

P.C. :

Two affidavits dated 5th January 2026 have been filed on behalf of the Municipal Commissioner, Brihanmumbai.

2. Mr. Ashutosh Kumbhakoni, the learned senior counsel appearing for the Election Commission of India states that an affidavit on behalf of the respondent-Election Commission of India has been prepared and shall be filed in the course of the day, a copy of which is tendered in the Court. Taken on record.

3. It is stated at the Bar by Mr. Ravi Kadam, the learned senior counsel appearing for the Municipal Commissioner, Brihanmumbai that necessary instructions have been issued and the letters dated 22nd December 2025, 29th December 2025 and 31st December 2025 have been withdrawn.

4. Post this matter on 2nd February 2026 at 4:00 p.m. under the heading “For Final Disposal”.

5. In the meanwhile, the directions of this Court, as contained in paragraph no.14 of the order dated 30th December 2025, shall continue to operate. Paragraph no.14 reads as under:-

“14. Having regard to the decision of the High Court taken in the meeting of the Administrative Judges’ Committee and the Constitutional and statutory provisions, we hereby direct the Municipal Commissioner, BMC-cum-District Election Officer not to take any action pursuant to the ex-parte communication dated 22nd December 2025 directly sent to the Court staff. The Municipal Commissioner, BMC-cum-District Election Officer is restrained from issuing any letter/communication to the Court staff of High Court or subordinate Courts requisitioning their services for election duty.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]