

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

WRIT PETITION NO.156 OF 2026

Nilesh Chhaburao Bhojane

.. Petitioner

Vs.

State of Maharashtra and Ors.

.. Respondents

Mr. Navroz Seervai, Senior Advocate, with Mr. Mayur Khandeparkar, Mr. Nishant Shashidharan, Mr. Vikramjit Singh Garewal, Mr. Nakul Jain, Mr. Nivit Srivastava, Ms. Sneha Patil, Ms. Aditi Sinha and Ms. Isha Vyas, Advocates, i/by Maniar Srivastava Associates, for the Petitioner.

Mr. Sachindra B. Shetye with Mr. Akshay Pansare and Mr. Nipun Sawane, Advocates for the Respondent-State Election Commission.

Mr. Tejesh Dande, Advocate for Respondent Nos.3, 4 and 6.

Mr. A.Y. Sakhare, Senior Advocate, with Mr. Ajay Varekar, Advocate for Respondent No.7.

Mrs. Neha S. Bhide, Government Pleader, with Mr. Kedar B. Dighe, Additional Government Pleader and Mrs. G.R. Raghuwanshi, Assistant Government Pleader for the Respondent-State of Maharashtra.

Mr. Sukhdeo Yedve, Assistant Municipal Commissioner, N.N.M.C. is present in the Court.

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

DATE : 7TH JANUARY 2026.

P.C. :

Mr. Navroz Seervai, the learned senior counsel for the petitioner referred to the provisions under section 10(1D) of the Maharashtra Municipal Corporations Act, 1949 and laid a stress on the expression “councillor” to submit that the disqualification as conceived under sub-section (1D) shall apply to a “sitting councillor” and not to a candidate who seeks to contest election as a councillor.

2. The learned senior counsel has then referred to the last paragraph of the order dated 31st December 2025 and submitted that the said order is *ex-facie* illegal and the same is liable to be quashed by declaring the petitioner eligible to contest the election for the post of a “councillor”.

3. Mr. A.Y. Sakhare, the learned senior counsel appearing for the respondent no.7 seeks some time for filing an affidavit to bring on record certain factual aspects.

4. This request is declined for the reason that the order under challenge must be tested with reference to the materials which were before Election Returning Officer as on the date of determination.

5. Post this matter tomorrow, that is, 8th January 2026 under the heading “High on Board”, with an understanding that this writ petition shall be disposed of finally. The petitioner to complete the records. The respondent no.7 may also produce the records which were before the Election Returning Officer. Mr. Tejesh Dande, the learned counsel appearing for the 6th respondent-the Election Returning Officer shall provide copies of the records to the learned counsel for the petitioner and the respondent no.7 and file the same in the registry of this Court in the course of the day.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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