

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

PUBLIC INTEREST LITIGATION NO.4 OF 2026

Ajay Jeya Murugan Nadar

.. Petitioner

Vs.

State of Maharashtra and Ors.

.. Respondents

Mr. Pranil Sonawane with Mr. Vinod Utekar, Mr. Shekhar Bhise, Mr. Pranav Phadke, Ms. Vedashree Phadke, Mr. Krishna Shukla, Ms. Janhavi Jadhav, Ms. Ketki Dandekar, Ms. Shweta Saraf and Mr. Raj Chaurasia, Advocates for the Petitioner.

Mrs. Neha S. Bhide, Government Pleader with Mr. Kedar B. Dighe, Additional Government Pleader and Mr. S.P. Kamble, Assistant Government Pleader for Respondent No.1.

Mr. Irfan Shaikh with Mr. Akshay Pansare, i/by Mr. Sachindra B. Shetye, Advocates for the Respondent-State Election Commission.

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

DATE : 14TH JANUARY 2026.

P.C. :

The petitioner, stating that he is a citizen of India and a public-spirited activist, seeks a writ of mandamus against the 2nd respondent-Election Commission of India to proceed with the Election Programme published on 15th December 2025 and declaring the results of Ward Nos.5(A), 14(A), 17(B), 18(B), 18(C) and 18(D) only after a polling and considering the total number of votes of the respondent nos.5 to 10 and NOTA.

2. The learned counsel for the petitioner states that the petitioner is not seeking any interim direction for staying the elections as scheduled on 15th January 2026. The petitioner is constrained to approach this Court to espouse the cause of other

electorates whose fundamental right to vote shall be infringed if polling in the aforementioned Municipal Wards is not conducted. The learned counsel for the petitioner refers to the order dated 6th November 2018 passed by the State Election Commission, Maharashtra and submits that the right of an electorate has been considered by the Hon'ble Supreme Court in "*People's Union for Civil Liberties v. Union of India*"¹. The State Election Commission, Maharashtra made an observation that NOTA shall be treated as a fictional electorate candidate while declaring the election results. It contemplates a situation where all the candidates individually receive lesser votes than the fictional electorate candidate. It also conceives a situation where the contesting candidate and the fictional electorate candidate receive equal valid votes. In the event when none of the contesting candidates is declared elected, fresh elections shall be held from the state of nomination. It has also been observed that on the second occasion, the contesting candidate who secures highest votes excluding NOTA shall be declared as elected.

3. We understand that there is a statutory regime for conduct of the Municipal elections. In addition to that, there are guidelines by the State Election Commission, Maharashtra, as aforesaid. In the circumstances of the case, this writ petition labelled as Public Interest Litigation must be held to be an abuse of the process of law. Seeking a direction to the Election Commission of India, though the Election Commission of India does not conduct Municipal Elections in the State of Maharashtra, to declare results of Ward Nos.5(A), 14(A), 17(B), 18(B), 18(C) and 18(D) after polling and counting of the votes is frivolous. The petitioner who claims that he is associated with Dharmarajya Kamgar-Karmachari

¹ *Writ Petition (Civil) No.161 of 2004 – order dt. 29th September 2013*

Mahasangh, a Labour Union which works for the welfare of the labourers and workers and more particularly Municipal workers does not say that he is espousing the cause of the labourers particularly the Municipal workers. It is settled law, as held by the Hon'ble Supreme Court in "*Ashok Kumar Pandey v. State of West Bengal*" (2004) 3 SCC 349, a Public Interest Litigation with vague information should not be entertained. The pleadings in this Public Interest Litigation is a sketchy and casual and warrants imposition of exemplary costs. However, exercising restraint, we refrain from imposing any costs and would simply dismiss Public Interest Litigation No.4 of 2026.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]