

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3365 OF 2015

Shri Dnyanoba Baburao Mavhale ...PETITIONER

versus

The State of Maharashtra and ors. ...RESPONDENTS

.....
Mr. S.S. Thombre, Advocate for Petitioner
Mr. D.B. Bhange, A.G.P. for respondents No. 1 to 3
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 24th MARCH, 2015

Order :-

1. Heard learned counsel for petitioner and learned Assistant Government Pleader for respondents No. 1 to 3.

2. The petitioner purportedly aggrieved by order dated 06-03-2015 is before this Court, whereunder his objection to nomination of Respondent No. 5 on the ground that he is not agriculturist, has been turned down.

3. Learned counsel for petitioner submits that certificate issued by the Sarpanch cannot be treated as valid certificate indicating that the person is agriculturist. In fact, it is upon the revenue authority to issue certificate. Since, such document has not been produced, his nomination could not have been

considered as valid and his objection ought to have been sustained.

4. On perusal of impugned order it is seen that it refers to 1967 Rules, and considers that it cannot be said that respondent No. 5's nomination can be held to be invalid. The petition has been moved at a very belated stage. The date for withdrawal of nomination paper is 24-03-2015. Respondent No. 5 has not been served.

5. In this view of the matter, I am not inclined to interfere with the order impugned in the present petition, and as such, petition stands rejected, leaving it open for the petitioner to prosecute such remedies as would be available in law, after election is over.

6. It is further made clear that this order shall not be considered to be on merits of the matter and shall not be deemed as such in any other proceedings.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK