

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4345/2015

Bapusaheb Vishwambarrao Patil.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri A.N. Irpatgire, Advocate for petitioner.
Shri S.K. Tambe, AGP for respondent nos.1 & 2.
Shri D.J. Choudhary, Advocate for respondent no.3.
Shri N.P. Patil Jamalpurkar, Advocate for respondent
no.4.
Shri Shrikant Deshpande, Advocate for respondent no.5.

.....

CORAM: SUNIL P. DESHMUKH, J.

DATE: 24.04.2015

ORDER :

- 1] Heard learned counsel for the parties.
- 2] Learned counsel for petitioner, with reference to the document annexed at page no.32 of the writ petition, submits that it is apparent that respondent no.4 is a defaulter and as such not eligible to contest the elections and the Election Officer disregarding this position, on some extraneous consideration, has rejected the objection, which is not proper.

- 2 -

3] On the other hand, Shri N.P. Patil Jamalpurkar, learned counsel for respondent no.4, points out that reliance placed on the document at page no.32 of the writ petition is mis-placed because the same is only a show cause notice and on the date of its issuance, it cannot be said that respondent no.4 is a defaulter and as such no fault can be found with it.

4] In view of aforesaid disputed factual position which appears on record, I do not deem it appropriate to entertain present writ petition. The writ petition as such is rejected. It is, however, open for the petitioner to prosecute all such remedies as are available in law taking the grounds as are raised in the present petition in appropriate proceedings including in an election petition. There shall be no order as to costs.

5] Observations aforesaid shall not, however, influence the decision on merits in other proceedings.

(SUNIL P. DESHMUKH, J.)