

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

WRIT PETITION NO.7794 OF 2015
WITH
CIVIL APPLICATION NO.9247/2015

...

CHHABU UTTAM PATIL AND OTHERS
VS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Amol S.Sawant, Adv. for petitioners;
Mrs. MA Deshpande, AGP for Resp.Nos. 1 & 2;
Mr. SK Kadam, Adv. for Resp.No.4;
Mr.NR Bhavar, Adv. for applicants/intervenors.

CORAM : **R.M.BORDE &**
P.R.BORA, JJ.

DATE : **6th August, 2015.**

PER COURT :

- 1) Civil Application moved for seeking intervention in the writ petition is allowed and disposed of.
- 2) Heard learned Counsel for the respective parties.
- 3) Mr. Mayur Madhav Saindane, Returning Officer is present in the Court.
- 4) The petitioners are making grievances in respect of wrongful action on the part of the Returning officer in refusing to issue nomination forms to the petitioners. The petitioners contend

that they have approached the Returning Officer with a request to issue them blank nomination forms within the period prescribed under the election programme. However, the Returning Officer, for no cogent and plausible reasons, refused to issue them the nomination forms and as such, the petitioners are deprived from participating in the process of election.

5) On perusal of the petition as well as the reply, we are convinced that the action on the part of the Returning Officer in refusing to issue the nomination forms to the petitioners, is blatantly illegal and for no justifiable reasons, the Returning Officer has committed such illegality.

6) It has been brought to our notice that the election programme has reached at an advanced stage and today is the date prescribed for publication of final list of contesting candidates.

7) In view of the advanced stage of election, we are refrained to cause interference in the process of election. We however, put on record our observations that on account of failure on the part of the Returning Officer in issuing blank nomination forms to the petitioner, the entire process of

election is vitiated.

8) It would be open for the petitioners to raise a challenge to the election process by adopting appropriate remedies available in law at appropriate stage.

9) In view of the above, the writ petition stands disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/