

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

WRIT PETITION NO. 9280 OF 2015

Sukhdeo s/o Ramrao Sapkal

.. PETITIONER

VERSUS

State of Maharashtra
& others

.. RESPONDENTS

Mr. V.D. Sonwane, advocate for petitioner.
Mr. N.B. Patil, AGP for the State.

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

DATE : 9th SEPTEMBER, 2015.

PER COURT :

1. Petitioner is praying for issuance of order restraining respondent no. 3, who is an elected representative of the Village Panchayat from OBC women category, from contesting the election of the Sarpanch of the Village Panchayat.

2. According to petitioner, certificate secured by respondent no. 3 as belonging to OBC category has not been issued by the competent authority and that, the said certificate is forged and fabricated. The fact remains that there is no declaration made by the competent authority holding that the certificate is forged, fabricated or that it has not yet been confiscated or cancelled by adopting the procedure prescribed under the Act. It is well established that the elected representative cannot be restrained by order of injunction from performing his or her function as elected representative until declaration is made disqualifying him/her from being an elected

representative. In the instant matter, such declaration has not been made. In this view of the matter, no interference is called for in the petition. Petition is devoid of substance hence stands dismissed.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

dyb