

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

1 WRIT PETITION NO. 10433 OF 2015

SUDAM MADHAVRAO UMREKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. Rakhunde Pravin B
AGP for Respondents: Mr. P.S. Patil

CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: October 20, 2015

PER COURT :-

1 The petitioner is praying for issuance of direction to the respondents not to hold the special meeting for election of Sarpancha and Upasarpancha of village Ambesangvi, Tq. Loha, Dist. Nanded, in view of pendency of the dispute presented by the petitioner, challenging the election of respondent No.3. The petitioner is also praying for issuance of restraining order against the concerned respondent, prohibiting him to participate in the process of election.

2 The petition is misconceived for the reason that, it is settled law that, an elected representative cannot be restrained by an order of injunction from performing his functions. The request made by the petitioner for issuing directions in respect of cancellation of the meeting for electing Sarpancha and Upasarpancha, merely on the ground of pendency of dispute, challenging the election of respondent No.3 also does not deserve consideration. Since an election dispute has been lodged by the petitioner, only on this ground, we do not deem it appropriate to issue directions as requested by the petitioner in terms of prayer clause 'C'.

3 Petition is devoid of substance and hence stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)