

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.10634 OF 2015

Shri. Bajirao Pandu Tupe

.. Petitioner

Versus

The Returning Officer,

Shri. Y. D. Kulkarni,

Belu Village Panchayat and others

.. Respondents

WITH

WRIT PETITION (STAMP) NO.10635 OF 2015

Smt. Mandakini Kishor Tupe

.. Petitioner

Versus

The Returning Officer,

Shri. Y. D. Kulkarni,

Belu Village Panchayat and others

.. Respondents

WITH

WRIT PETITION (STAMP) NO.10636 OF 2015

Smt. Manisha Sunil Tupe

.. Petitioner

Versus

The Returning Officer,

Shri. Y. D. Kulkarni,

Belu Village Panchayat and others

.. Respondents

WITH

WRIT PETITION (STAMP) NO.10637 OF 2015

Shri. Shantaram Popat Tupe

.. Petitioner

Versus

The Returning Officer,

Shri. Y. D. Kulkarni,

Belu Village Panchayat and others

.. Respondents

WITH

WRIT PETITION (STAMP) NO.10638 OF 2015

Shri. Nandu Shivram Tupe

.. Petitioner

Versus

The Returning Officer,

Shri. Y. D. Kulkarni,

Belu Village Panchayat and others

.. Respondents

Shri. P. N. Joshi, for the Petitioners in all Petitions.

Shri. Sachindra B. Shetye, for the Respondent No.6 in all Petitions.

Shri. A. B. Vagyani, GP with Mrs. Vaishali Nimbalkar, AGP for the Respondent Nos.1, 3, 4, 5 & 7.

CORAM : R.M. SAVANT, J.

DATE : 18th APRIL, 2015

PC.

The above Petitions take exception to the order passed by the Returning Officer rejecting the nominations of each of the Petitioners above named for contesting elections to the Gram Panchayat Belu, Taluka Sinnar, District Nashik. In all the cases, the rejection is on the ground that there is no reservation in the Ward concerned on the basis of which the nomination has been filed by each of the Petitioners. The election

programme in the instant case is at the stage where only the polling is to take place on 22.04.2015. In view of the submissions raised on behalf of the Petitioner and the Learned GP appearing for the State, Learned Counsel for the State Election Commission, there would have to be adjudication on facts in the Writ Jurisdiction under Article 227 of the Constitution of India which is impermissible. Hence, by relegating the Petitioner to the remedy of challenging the election if the occasion so arises and if the Petitioners are so advised, the Petitions are disposed of. Needless to state that the contentions of the parties are kept open for being urged before the appropriate forum.

[R.M. SAVANT, J]