

ndm

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

WRIT PETITION NO. 5014 OF 2015

Almisbah Imran Ansari.

... PETITIONER

VERSUS

The Returning Officer,
Through the State Election Commission
and others.

... RESPONDENTS

...

Mr. M.P.Vashi, Senior Counsel a/w Ms Prachi Khandge, Advocate I/b M/s
M.P. Vashi and Associates, for the Petitioner.

Mr. S.B.Shedge, Advocate for Respondent Nos.1 and 2.

Mr. N.R.Bubna, Advocate for Respondent No.3.

...

CORAM : **ANOOP V. MOHTA &
V. L. ACHLIYA, JJ.**

DATE : 11th June, 2015.

Per Court:

. Heard.

2 Relevant clause (6) of order dated 15th March, 2004,
issued by the State Election Commission, Maharashtra, reads as
under:

“(6) The returning officer, shall not verify by
means of a summary enquiry or otherwise the
correctness of the information furnished in the
affidavit/declaration and reject the nomination
paper on the ground that in his/her opinion the

information furnished is incorrect.”

3 In view of the observations of the Supreme Court in paragraph Nos.77 and 78 in **People’s Union for Civil Liberties (PUCL) and Ors. Vs. Union of India (UOI) and Anr**, reported in **AIR (2003) SC 2363**, and further in view of clause (6) of order dated 15th March, 2004, issued by the State Election Commission, Maharashtra, no case is made out for passing any order in favour of Petitioner as the order impugned is well within the framework of law as recorded above.

4 The writ petition is therefore, dismissed as Petitioner has also alternate remedy of election petition in such matters. No costs.

[V. L. ACHLIYA, J.]

[ANOOP V. MOHTA, J.]