

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO.19071 OF 2015**

Netaji Gundu Kamble

..Petitioner

Vs.

The Returning Officer & Ors.

..Respondents

Mr. Prashant Bhavake for the Petitioner

Ms M. S. Bane “B” Panel Counsel for the Respondent No.1

Mr. S. B. Shetye for the Respondent No.2

CORAM : R. M. SAVANT, J.

DATE : 20th July, 2015

P.C.

1 The Writ Jurisdiction of this court is invoked against the order dated 13-7-2015 passed by the Returning Officer by which order the nomination filed by the Petitioner herein for contesting the election of Grampanchayat at Begavade Post Zulapewadi, Tal Bhudargad District Kolhapure, came to be rejected.

2 The said rejection was on account of the objection raised on behalf of the Respondent No.3 herein. The ground for rejection was that the Petitioner had allegedly a third child born after the cut of date i.e. 12-9-2001. the minutes of the scrutiny discloses that whilst the objector produced the documents showing that the Petitioner's child was born after the cut of date i.e. 12-9-2001, the Petitioner had not produced any document to rebut the said

case of the Respondent No.3. However, it is the case of the Petitioner that he had produced the birth certificate dated 8-5-2015 of his third child disclosing that the child was born on 5-10-2000. It is also the Petitioner's case that the Petitioner had produced the certificate issued by the Grampanchayat dated 13-7-2015, at the time of scrutiny which is also to the effect that the third child was born on 5-10-2000.

3 In my view, a serious disputed question arises as regards the date of birth of the third child. Obviously such a dispute cannot be resolved in the Writ Jurisdiction of this Court. It is also required to be noted that the election programme is at the stage where only the voting now remains, which is to take place on 25-7-2015. Hence no interference is called for with the rejection of the Petitioner 's nomination in the Writ Jurisdiction of this court. The Writ Petition is accordingly dismissed.

4 However, it is open for the Petitioner to adopt such proceedings as are permissible and available in law after the elections are over, if the occasion so arises.

[R.M.SAVANT, J]