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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION (LODG) NO.187 OF 2015
IN
WRIT PETITION (lodg) NO.3408 OF 2014

Ashok Kumarayaa Kodam

..Petitioner

Vs.

State of Maharashtra & Ors.

..Respondents.

Mr. R.C. Mendadkar for Petitioner.

Mr. G.W. Mattos, AGP for Respondent Nos.1 to 3.

Mr. V.M. Thorat, for Respondent No.4.

CORAM: B.R. GAVAI &
A.S. GADKARI, JJ.

DATE : 25th March 2015.

P.C.:

1 The Petitioner has approached this Court being aggrieved by the caste validity certificate granted in favour of the Respondent No.4.

2 The Petitioner claims to be a voter from the said ward from which the Respondent No.4 contested the election. The election were held in the year 2012 and the Petitioner had contested against one Anusha Kodam. In the said election, said Anusha Kodam was elected. However,

the Petitioner challenged the validity granted in her favour. The claim of the said candidate was found to be invalid and that invalidation was upheld upto the Apex Court.

3 It is the contention of the Respondent No.4 that in view of the deeming provisions, the Respondent No.4 who has held next highest number of votes, is entitled to be declared elected. It is the contention of the Petitioner that the Respondent No.4 is already declared as such in March 2015. However, the contention of the Respondent No.4 is that on account of interim relief granted in the present petition, he is not yet in a position to officiate as a Corporator .

4 The learned Counsel appearing for the Petitioner submits that the impugned order is bad in law for two reasons, firstly, no reasons are given and secondly enquiry by the Vigilance Cell is not conducted as per law laid down in the case of Madhuri Patil Vs. Additional Commissioner, Tribal Development reported in 1994(6) SCC 241.

5 We have perused the impugned order. The impugned order specifically deals with the documents which are pertaining to the

Respondent No.4's uncle as well as aunt from paternal side. Perusal of the impugned order, it reveals that the Vigilance Cell has also supported the claim of the Respondent no.4. In that view of the matter, no case is made out to interfere with the impugned order.

6 In the result, the Writ Petition is dismissed. In view of dismissal of the Petition, nothing survives in the Notice of Motion and the same is also disposed of.

(A.S. GADKARI, J.)

(B.R. GAVAI, J.)