

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2257/ 2015

(Dr. Mahendra Kumar Rushiji Dhawade vs. Election Commission of India and another)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. A.R. Patil, Advocate for the petitioner
Ms. N.G. Choubey, Advocate for respondent no.1
Ms. Pathak, Adv. for respondent no.2

**CORAM : SMT. VASANTI A. NAIK &
A.I.S.CHEEMA, JJ.**

DATED : 2nd September, 2015.

Heard.

By this petition, the petitioner challenges the order of the respondent no.1-Election Commission of India, dated 10.10.2014, and seeks a direction to the respondents to grant an opportunity of hearing to the petitioner, before passing the order of the registration of the Political party as “Balirajya” party.

It is submitted on behalf of the petitioner that in view of the provisions of Section 29A (7) of the Representation of the People Act, 1951, it is necessary for the Commission to grant an opportunity of hearing before deciding the application to register the Association or body as a political party. It is stated that the petitioner was not heard before the impugned order was passed. It is stated that the petitioner could have convinced the commission that while naming the

proposed party as “*Balirajya*” party, the petitioner was referring to king *Baliraja*.

Ms.N.G. Choubey, the learned counsel for the respondent no.1 states on a reading of the provisions of Section 29A(7) of the Act of 1951 that the Commission would hear the petitioner – Organizer of the party.

We dispose of the Writ Petition by accepting the statement made on behalf of the respondent no.1, which would be binding on it. The respondent no.1 would be free to pass appropriate orders in accordance with the provisions of Section 29A of the Act of 1951.

Order accordingly. No costs.

JUDGE

JUDGE

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