

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.4061 OF 2015.**

(HITESH WAMAN THALAL..VS..ELECTION OFFICER, GRAM PANDHAYAT ELECTIONS & 3 OTH.)

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

Court's or Judge's orders

**CORAM : Z.A.HAQ, J.**

**DATED : JULY 16, 2015.**

Heard Mr.P.A.Jibhkate, the leaned advocate for the petitioner and Mr. K.L. Dharmadhikari, the learned A.G.P. for the respondent No.1.

The grievance of the petitioner is that the Returning Officer has wrongly accepted the nomination papers of the respondent Nos.2 to 4 though they incurred disqualification under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1958 as they have encroached upon the government land. The petitioner relied on the certificate issued by the Gram Sevak in Form-8 to show that the respondent Nos. 2 to 4 have encroached on the government land.

In my view, the point raised by the petitioner is required to be adjudicated after an enquiry. The issue cannot be decided summarily. The petition cannot be entertained as the relief sought by the petitioner can be granted only after sufficient material is placed on the record.

The petition is **dismissed**. The petitioner may avail remedy of filing election petition, if so advised.

**JUDGE**