

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

WRIT PETITION NO.4062 OF 2015.

(MANOHAR JAIRAM RANGARI..VS..ELECTION OFFICER, GRAM PANDHAYAT ELECTIONS & ANR)

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 paper of the respondent No.2 though he incurred disqualification under Section 14(1)(j-3) of the Maharashtra Village Panchayats Act, 1958 as he has encroached upon the government land. The petitioner relied on the certificate issued by the Gram Sevak in Form-8 to show that the respondent No. 2 has 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