IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4237 OF 2015

Anjana W/o Gajanan Kotalwar
-vs-
The Tahsildar Manora/Returning Officer, Kondoli, Dist. Washim & Ors.

WITH

WRIT PETITION NO.4238 OF 2015

Vijay Nanasaheb Deshmukh
-vs-
The Tahsildar Manora/Returning Officer, Kondoli, Dist. Washim & Ors.

WITH

WRIT PETITION NO.4240 OF 2015

Manjula wd/o Angad Manwar
-vs-
The Tahsildar Manora/Returning Officer, Kondoli, Dist. Washim & Ors.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri R. D. Karode, Advocate for petitioners.
Smt. Bharati Maldhure, AGP for respondent No.1 in W.P.Nos.4237/15 and 4239/15.
Shri C.N. Adgokar, AGP for respondent No.1 in W.P.No.4240/15.
Shri A. R. Deshpande, Advocate for respondent No.3.

CORAM : A.S.CHANDURKAR, J.
DATE : JULY 31, 2015

The petitioner in each writ petition is aggrieved by the acceptance of the nomination paper of respondent No.3 therein.

According to learned counsel for the petitioners, no-dues certificate which was required to be filed along with nomination form was not so filed and therefore the nomination paper ought to have been rejected. Learned counsel sought to place reliance on judgment of the Division Bench in ***Sudhakhar Shankarlal Naval v. Arunlal Goverdhandas Gujrathi 1976 Mh.L.J. 210***. According to him in absence of the no-dues certificate it was assumed that the respondent No.3 was in arrears of taxes and therefore was not qualified under the provisions of Section-14(1)(h) of the Maharashtra Village Panchayats Act, 1958.

Learned counsel for respondent No.3 submitted that no demand of any municipal taxes has been made and therefore there is no question of the respondent No.3 being in arrears of taxes. It is further submitted that in absence of any such demand, the nomination paper of the respondent No.3 could not have been rejected. He placed reliance on the decisions in ***Shoukat Ali Mohd. Hussain vs. Shaikh Ayub s/o Sk. Haji Sk. Ahmed & Ors. 2014(4) Mh.L.J. 658*** and ***Vinod Pandurang Bharsakade v. Returning Officer, Akot & Anr. 2003(4) Mh.L.J. 359.***

The present proceedings arise in the midst of the election programme. The insistence for no-dues certificate and seeking rejection of the nomination paper on that ground is sought to be countered by relying upon certain payments at the instance of respondent No.3. In turn it is submitted by the learned counsel for the petitioners that those payments are not acknowledged by the Secretary of the Grampanchayat. Prima facie, provisions of Section 14(1)(h) of the said Act contemplate a demand being made and on failure to comply with said demand, disqualification would stand attracted.

Since various disputed questions arise, I am not inclined to interfere at this state. It is open for the petitioners to raise appropriate challenge in case the respondent No.3 in each petition is elected. Hence with liberty to the petitioner to raise appropriate challenge, the writ petitions are disposed of.

JUDGE