

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

Writ Petition No.4842 of 2015

(Shri Triyoginarayan s/o Gaurishankar Dube v. Returning Officer, Agriculture
Produce Market Committee, Chamorshi, Dist. Gadchiroli and another)

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

Court's or Judge's orders

Shri V.N. Gaoli, Advocate for Petitioner.

Shri K.L. Dharmadhikari, Assistant Government Pleader for Respondnt
No.1.

Shri R.J. Kankale, Advocate for Respondent No.2.

Shri A.S. Kilor, Advocate for Intervener.

Coram : R.K. Deshpande, J.

Date : 26th August, 2015

The scrutiny of the nomination paper was on 5-8-2015. The nomination form filed by the petitioner was rejected on that date. Similarly, certain nominations were accepted. There is a statutory appeal provided under Rule 51 of the Maharashtra Agriculture Produce Marketing (Development and Regulation) Rules, 1967. The petitioner preferred two separate appeals on 17-8-2015 challenging the acceptance of the nomination papers of two candidates before the District Deputy Register. He, however, approached this Court by filing this writ petition challenging improper rejection of his nomination paper.

In view of the fact that there is a remedy available under Section 51 of the said Rules, which the petitioner has already availed against improper acceptance of the nomination papers, the same could have been availed in respect of improper rejection of nomination

paper of the petitioner. It is not in dispute that on 19-8-2015, the regular District Deputy Registrar joined the post, and that was the last date on which the appeal could have been filed. The petition also raises disputed questions of fact and hence no interference is called for. The petition is dismissed. All questions are left open to be agitated in appropriate proceedings.

Judge.

Lanjewar