

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 8569 OF 2014  
WITH  
CIVIL APPLICATION NO.16156 OF 2015,  
CIVIL APPLICATION NO.71 OF 2016  
AND  
CIVIL APPLICATION NO.72 OF 2016

SHOBHA RAOSAHEB DESHMUKH  
VERSUS  
ELECTION RETURNING OFFICER, ZILLA PARISHAD  
AND PANCHAYAT SAMITI GENERAL ELECTION

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Advocate for Petitioner : Shri Deshmukh Sachin S.  
Advocate for Respondents 1 & 2 : Shri Shelke S.T.  
Advocate for Respondent 3 : Shri Shelke M.U.  
Advocate for Respondent 4 : Shri Dama P.P.  
Advocates for Intervenors : S/Shri Kulkarni M.S.  
and Bangar N.P.

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: January 06, 2016

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**OPERATIVE ORDER**

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1. I, therefore, have no hesitation in concluding that the conclusions of the trial Court in paragraph Nos.21 and 22 are rendered perverse and erroneous. Considering the totality of the circumstances, the power flowing from Section 27(2) read with Section 27(5)(a) and the law laid down by the Apex Court in paragraph No.45 of the Madhukar's judgment (supra), the impugned judgment of the trial Court stands set aside only to the extent of its refusal to declare the petitioner as being elected unopposed.

2. This petition is, therefore, allowed. The petitioner is declared elected in place of respondent No.3 for the remainder period of the term

from Electoral Division No.3, Umapur, Taluka Gevrai, District Beed.

3. Rule is made absolute.

4. Needless to state, the proposed election by notification dated 21.11.2015 is not required to be conducted.

5. Intervention Applications stand rejected.

( RAVINDRA V. GHUGE, J. )

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