

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.9313 OF 2016

Sou. Aruna Vasant Redekar

.. Petitioner

Versus

State Election Commission and others

.. Respondents

Mr. Tanaji Mhatugade, for the Petitioner.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.2, 3 & 4.

CORAM : R.M. SAVANT, J.

DATE : 31st MARCH 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 26.02.2016 passed by the Additional Commissioner, Pune Division, Pune, by which order, the Appeal filed by the Petitioner being Appeal No.88 of 2015 came to be dismissed and resultantly, the order dated 11.03.2015 passed by the Collector, Kolhapur, disqualifying the Petitioner under Section 14B of the Maharashtra Village Panchayats Act (For short "the said Act") came to be confirmed.

2. The Petitioner was elected as a member of the Gram Panchayat Uchgaon, Taluka Karveer, District Kolhapur for the period 2012 to 2017. In terms of the order dated 10.08.2015 passed by the State

Election Commission, a candidate has to file the return of his election expenses within 30 days of the declaration of the results of the election and the said expenses have to be in the form stipulated by the Election Commission. The notice dated 06.12.2014 was issued to the Petitioner pursuant to which proceedings commenced under Section 14B of the said Act before the Collector for disqualification of the Petitioner on the ground that the Petitioner had not submitted her account of the election expenses. Before the Collector, Kolhapur, the Petitioner took a stand that she had submitted the account of her election expenses. However, though such a stand was taken, significantly no evidence was produced by the Petitioner in support of the said stand. The Collector, Kolhapur, therefore did not deem it appropriate to accept the said contention urged on behalf of the Petitioner in the absence of any material produced by the Petitioner to indicate that she in fact had submitted the said statement of account of her election expenses. The Collector, Kolhapur, by his order dated 11.03.2015 disqualified the Petitioner as member of the Gram Panchayat and the said disqualification was to run for a period of five years from the date of the order.

3. Aggrieved by the said order dated 11.03.2015, the Petitioner filed an Appeal before the Additional Commissioner, Pune Division, Pune in terms of Section 16(2) of the said Act. The Appellate Authority i.e. the

Additional Commissioner, Pune Division, Pune, did not find any reason to interfere with the order passed by the Collector, Kolhapur, and accordingly dismissed the Appeal. As before the Appellate Authority also the Petitioner was not able to produce any material to support her case that she had submitted the statement of account of her election expenses. As indicated above, it is the said order dated 26.02.2016 which is taken exception to by way of the above Petition.

4. Before this Court also, except stating that the Petitioner had submitted her statement of account of election expenses, the Petitioner has not produced any material to buttress the said contention. Having regard to the mandate as imposed by the Election Commission by its order dated 10.08.2015 and have regard to the rigors of Section 14B of the said Act, it was obligatory on the part of the Petitioner to submit her statement of account of expenses. Having not been done so, the Petitioner has fallen foul of the order passed by the Election Commission as also the statutory provision as contained in the said Act. The Petitioner is therefore as rightly held in the operative part of the order passed by the Collector, Kolhapur, disqualified from being a member of the Gram Panchayat. Hence, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]