

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4182 OF 2016

Hema Ravindra Purav & Ors.	 Petitioners
V/s.	
The State Election Commission & Ors.	 Respondents

Mr. Gautam T. Kanchanpurkar for the Petitioners.

Mrs. D.S. Mondkar-Hule, a/w. Mr. S.B. Shetye, for
Respondent No.1.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 7TH APRIL 2016.

P.C. :

1. Heard learned counsel for the Petitioners and learned A.G.P.
2. The Petitioner No.1 is aggrieved by rejection of her nomination to the Grampanchayat Election. The Nomination Form of Petitioner No.1 is rejected on the ground that the name of Petitioner No.1 is not mentioned in the Grampanchayat Resolution certifying that Petitioner No.1 has toilet in a house in which she resides.
3. Along with Nomination Form, Petitioner No.1 has submitted Toilet Certificate; however, in accordance with the provisions of Section 14(1)(j-5) of the Maharashtra Village Panchayats Act (Bombay Act No.III of 1959), Petitioner No.1 is required to submit Toilet Certificate along with copy of the Resolution passed by the Gram Sabha certifying that;

- (i) He resides in a house owned by him and has a toilet in such house and he regularly uses such toilet ; or*
- (ii) He resides in a house not owned by him and has a toilet such house and he regularly uses such toilet ; or*
- (iii) He has no such toilet in a house where he resides, but he regularly uses the public toilet.*

4. Be that as it may, Petitioner No.1 has not filled in Nomination Form from Ward “A” and also not impleaded other contesting candidates from that Ward. In the absence of such impleadment, this Petition cannot be entertained.

5. The Nomination Forms were to be filled in from 29th March 2016 to 2nd April 2016. The scrutiny of the Nomination Forms took place on 4th April 2016. Voting is scheduled to be held on 17th April 2016. The election process is at an advanced stage. Petitioner No.1 also have an alternate remedy to challenge the Election.

6. In the above circumstances, we are not inclined to entertain this Petition and the same is dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]