

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

WRIT PETITION STAMP NO.32371 OF 2016

**Sou. Pranitaraje Pravinraje Shinde
@ Seema Raosaheb Deshmukh**

..Petitioner

Versus

State Election Commission and others

..Respondents

Mr. Prabhanjan Gujar for the Petitioner.

CORAM : R. M. SAVANT, J.

DATE : 25th NOVEMBER, 2016

PC.

1 Not on board. Mentioned for urgent reliefs.

2 The above Petition challenges the order dated 14.11.2016 passed by the Learned District Judge-3 and Additional Sessions Judge, Niphad, by which order, the Election Appeal being No.4 of 2016 filed by the Petitioner came to be dismissed and resultantly, the order dated 02.11.2016 passed by the Returning Officer, Yeola Municipal Council came to be confirmed.

3 The Petitioner herein had objected to the acceptance of the nomination of the Respondent No.3 for contesting the election to a Ward in the Yeola Municipal Council. The voting for the general elections to the Yeola Municipal Council is to take place on 27.11.2016. The objection of

the Petitioner was on the ground that the Respondent No.3 has not disclosed that she is receiving pension, has carried out unauthorized construction and has not paid water tax and municipal tax. The said objection was turned down by the Returning Officer on 02.11.2016 and resultantly, the nomination form of the Respondent No.3 was accepted. Against the acceptance of the nomination of the Respondent No.3, the Petitioner filed an Appeal before the Learned District Judge-3 and Additional Sessions Judge, Niphad, which Appeal as indicated above has been dismissed by the impugned order dated 14.11.2016 and the order passed by the Returning Officer of acceptance of the nomination of the Respondent No.3 was confirmed. As indicated above, the voting is to take place on 27.11.2016.

4 Having regard to the well settled position in law as regards interference in election matters, no interdiction is called for with the acceptance of the nomination of the Respondent No.3. The Petitioner would be at liberty to adopt such proceedings as are permissible in law, if the occasion arises in future after the elections are over. With the aforesaid observations, the Writ Petition is dismissed.

[R.M.SAVANT, J]