

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1591/2016

(SHAIKH SAKAVATULLAH SHAIKH ATAULLAH **VERSUS** RETURNING OFFICER CUM AUDITOR, AKOLA & ORS)

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

Court's or Judge's orders

Shri U.J. Deshpande, counsel for the petitioner.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 08, 2016.

By this petition, the petitioner seeks a direction to the respondent no.1 to invalidate the candidature of respondent no.3 for the committee elections of the respondent no.2-Society to be held on 20.03.2016, for the term 2016 to 2021.

We are afraid that it would not be possible for us to interfere with the election process at the intermediary stage. As perusal of the election programme at Annexure-A reveals that the last date of filing of the nominations was 20.02.2016 and the date of scrutiny was 22.02.2016. The symbols were liable to be distributed on 09.03.2016. It is held by the Hon'ble Supreme Court time and again that after the election process begins, a writ petition may not be entertained. Moreover, we find that the petitioner had not filed a written objection to the nomination paper of the respondent no.3 on or before the date of scrutiny and the objection was filed later. Since the rejection of nomination paper cannot be questioned by a writ petition at this stage, the writ petition is liable to be dismissed. It would be necessary to refer to the judgments reported in **AIR (39) 1952 SC 64** (*N.P. Ponnuswami Versus The Returning Officer, Namakkal Constituency, Namakkal, Salem & Ors*), **(1978) 1 SCC 405** (*Mohinder Singh Gill Versus Chief Election Commissioner*), **2010(1) Mh.L.J. 909** (*Umaji Mangalu Borse Versus Returning Officer, Nashik & Ors*) and **(1999) 4 SCC 526** (*K.Venkatchalam Versus A. Swamickan & Anr*), in this regard.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

The points raised in the petition are, however, kept open.

JUDGE

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