

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.678/2016

Prashant s/o Ramesh Dahule

...Versus...

State Election Commission, through its State Election Commissioner,
Mantralaya, Mumbai – 400 032 and others

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

Court's or Judge's orders

Shri S.D. Chopde, Advocate for petitioner
Ms N.P. Mehta, AGP for respondent nos.2 and 3
Shri U.P. Dable, Advocate for respondent no.4

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 15.06.2016

By this writ petition, the petitioner seeks a direction to the respondent no.3 to decide the application filed by the petitioner for deletion of the name of the respondent no.4 from the voters' list of Gram Panchayat, Borda, Tah. Warora. The petitioner seeks a direction against the respondent no.1 to take appropriate steps for cancelling the election of the respondent no.4 as a Member of the Gram Panchayat, Borda.

It is the case of the petitioner that though the name of the respondent no.4 was recorded as a voter for Gram Panchayat, Jamgaon (Khurd), Tah. Warora, the respondent no.4 got her name inserted in the voters' list of Gram Panchayat, Borda and contested the election to the said Gram Panchayat. It is stated that

though an objection in regard to the inclusion of the name of the respondent no.4 in Gram Panchayat, Borda was raised before the Election Officer, the same was not decided. The petitioner has sought an action for cancellation of the election of the respondent no.4.

The relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction. The facts involved in this case are disputed. It is the case of the respondents that the objection of the petitioner was decided by the Election Officer. Even if the objection of the petitioner is decided or not decided, as the case may be, the petitioner is entitled to avail the remedy under the provisions of the Maharashtra Village Panchayats Act since the respondent no.4 is elected as a Member of the Village Panchayat.

As the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction under Article 226 of the Constitution of India, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE