

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.1908 OF 2017

Harishchandra s/o Vitthalrao Lahane
and another ... PETITIONER

VERSUS

The State Election Commission
and others ... RESPONDENTS

.....
Shri M.P. Kale, Advocate for petitioner
Shri S.T. Shelke, Advocate for respondent Nos.1 and 2
Shri R.S. Deshmukh, Advocate for respondent No.3
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CORAM: S. B. SHUKRE, J.

DATED: 10th February, 2017.

ORAL ORDER :

1. Heard. The question involved in this case is, whether or not the petitioner is disqualified because he has been directly or indirectly interested in the work done by the Zilla Parishad or in the contract awarded by the Zilla Parishad. This question has been answered in the affirmative by the Returning Officer when the nomination paper of respondent No.3 was rejected. In appeal, the learned District Judge upset the order of the Returning Officer and directed the respondent No.2 to accept the

nomination of the respondent No.3. This view has been taken by the learned District Judge by appreciating the facts available on record. If this view is to be seen, as erroneous, as tried to be submitted by the learned counsel for the petitioner, this Court would be required to once again go into the facts of the case, re-appreciate them and find out if the view taken by the learned District Judge is patently illegal. Such an exercise, I am afraid, is not permissible in extraordinary jurisdiction. Appropriate remedy for redressing such a grievance would be in the nature of dispute filed under Section 27 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

2. In this view of the matter, the Writ Petition stands dismissed with costs, keeping all questions of facts as well as law open.

(S. B. SHUKRE)
JUDGE

fmp/wp1908.17