IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5908 OF 2014

DR. VILAS DAULATRAO AHER AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioners : Shri Chavan Sudhir K.
AGP for Respondents/ State : Shri S.B.Yawalkar.
...

CORAM: S.C. DHARMADHIKARI
AND
SANGITRAO S. PATIL, JJ.

DATE :- 20th July, 2017

P.C.:

1 Having heard the Petitioners' Advocate, we do not think that we should issue any writ and particularly as sought for in the prayers of the petition. Whole election was found to be tainted with fraud. From inception, there was no adherence to the democratic norms, rules or regulations enabling the holding of election. In such circumstances, the elections are declared as null and void.

2 The Petitioners may have been elected, but we do not think that any prejudice would be caused to them. There would be fresh elections in which the Petitioners may take part either as voters or candidates subject to complying with the Election Rules. Presently, there is no such prohibition and hence, all the more, we are disinclined to

interfere in writ jurisdiction. There is no principle of law, when the whole election is vitiated by fraud and malpractices, then, elected candidates have to be heard and that should be preceded by individual notices to them. We do not think that any such requirement in law is laid down.

3 In these circumstances, the Writ Petition is misconceived and is dismissed.

kps **(SANGITRAO S. PATIL, J.)** (**S.C. DHARMADHIKARI, J.**)