

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

WRIT PETITION NO. 12350 OF 2015

Onkar Sitaram Bhale and ors. ...Petitioners

VERSUS

The State of Maharashtra
and others ...Respondents

.....

Shri A.D.Shinde, advocate for petitioners
Shri P.S.Patil, A.G.P. Respondent nos.1 to 3
Shri S.T.Shelke, advocate for Resp.No.4
Shri V.C.Patil, advocate h/f
Shri I.G.Durrani, advocate for respondent nos.6 to 9
and 11 to 14
Shri Zaidi Ali Zeeshen, advocate for Resp.No.10

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 10th January, 2017

O R D E R :-

Shri Shinde, learned counsel for the petitioners strenuously contends that the elections of the Grampanchayat Mahalkinhola-Kavitkheda were held in August, 2015. The election programme was declared. The learned counsel submits that the process of filling up the

nomination forms and entire process of election conducted by respondent no.4 was suspicious, except respondent nos. 6 to 14 no villager was permitted to fill up their nominations. The people were even not made aware about the dates of acceptance of nomination forms. The persons who had filled in the nomination and/or withdrew nomination paper, everything was kept secret. The petitioners and almost all the villagers had made representations to respondent no.3, but no cognizance has been taken. According to the learned counsel, inquiry deserves to be conducted in as much, as the elections were stage managed.

2. Learned A.G.P. Shri Patil states that the entire election process was conducted in free and fair manner. Affidavit is filed on behalf of respondent nos. 3 and 4 by respondent no.4. The details are given as to how election programme was notified, the panchanamas are made. Various stages of election were scrupulously followed and present respondent nos. 6 to 14 had only filled in

nomination forms.

3. The elections are concluded in August, 2015. More than 1½ year has elapsed. The affidavit-in-reply is filed by respondent nos. 3 and 4 dealing with every stage in the election process being adhered to.

4. It is presumed that the public authority has performed its official duties properly unless proved otherwise. In the affidavit, each and every details are given of the various stages of election, the panchanamas being conducted.

5. Considering the afore said, the grievance of the petitioner cannot now be entertained.

6. Writ Petition, as such, is disposed of.
No costs.

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)