

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1652 OF 2017

Susmita Devendra Chaudhary .. Petitioner
Vs.
Rohini Vasudeo Bhosale and ors. .. Respondents

Mr.S.M.Gorwadkar, Senior Counsel i/b Mr.N.A.Mogre, for the
Petitioner.
Mr.S.B. Shetye, for Respondent No.2.
Mr.Vikas Mali, AGP for State.
Mr.A.P. Kulkarni, for Respondent No.4.

**CORAM : NARESH H. PATIL &
M.S.KARNIK, JJ.**

07th FEBRUARY, 2017

P.C. :

- . Not on board, mentioned and therefore, taken on board.
2. The petitioner's nomination paper as a candidate backed by a party was not accepted, instead, the petitioner's nomination was accepted as independent candidate. The learned Senior Counsel appearing for the petitioner submits that the nomination of respondent No.1 was accepted at 4.00 p.m. which was contrary to the election programme, rules and circulars

prescribed by the State Election Commission. The learned Senior Counsel made reference to the guideline 7.4.

3. The Returning Officer passed a reasoned order on 05/02/2017.

4. We have perused the record and the impugned order. The question as to whether an authorized person on behalf of a political party signed AB form in favour of the petitioner or respondent No.1 is a matter of enquiry and would relate to examination of fact which cannot be gone into at this stage. The election process is set in motion. Today is the date fixed for withdrawal of the candidature. In the facts, we are not inclined to interfere in the matter. However, petitioner may resort to appropriate statutory remedy after election results are declared.

5. The Writ Petition is accordingly rejected.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)