

The petitioner challenges order of acceptance of nomination form of respondent no.2. Learned Counsel submits that returning officer committed error in failing to scrutinize the nomination paper in accordance with law and the directions of the Apex Court. Learned Counsel places reliance on the Apex Court judgment in the case of ***Resurgence India v/s. Election Commission of India & anr. {(2014) 14 Supreme Court Cases 189}***.

2. Learned Counsel appearing for respondent no.2 submits that petition is not maintainable as there is an alternate statutory remedy. The appeal has been preferred by some other candidates against the order passed by the Returning Officer.

3. Learned Counsel appearing for State Election Commission submits that petitioner has alternate remedy and no interference is warranted.

4. Perused the record placed before us and the arguments advanced. In the facts of the case, we are not inclined to interfere at this stage as the election process is already set in motion. The petitioner has not availed of alternate remedy under Rule 20 of the Provisions of the Maharashtra Zillha Parishad, Panchayat Samiti and Village Panchayat Act and the Election Rules. However, in the facts petitioner may resort to alternate remedy as permissible in law. Petition stands rejected.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)