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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12270 OF 2016

1. Shri Chatrapati Parshuram Koli & ors.

.. Petitioners

Versus

1. The State of Maharashtra and ors.

.. Respondents

Mr. Amol Joshi for petitioners.

Mr. V. M. Mali, AGP for State.

CORAM: NARESH H. PATIL &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

APRIL 04, 2017.

P.C.

1. The petitioners allege that the election to Village Panchayat – Pimpalas, Taluka – Bhiwandi, District – Thane were not conducted in fair manner. Therefore, they seek declaration for cancelling election of Sarpancha and Upasarpancha and candidates elected out of various panels of Ward No.1 A, 3-C and 4 – D of Village Pimpalas, Taluka – Bhiwandi, District – Thane. The petitioners raise issue relating to functioning of the Electronic Voting Machines. Allegations were made regarding malpractices conducted in enrollment of voters, casting of votes etc. It was submitted that the election results were not declared properly and the

entire election process is effected due to fraud and mismanagement.

2. During the course of hearing, learned counsel for the petitioners submits that election petitions have already been filed but according to the learned counsel the petitioners can still maintain a petition in this court, praying for further reliefs. Copies of election petitions filed in the alternate forum are also annexed to this petition.

3. In the facts, we find that the petitioners have filed election petitions which are pending consideration before the Election Tribunal where the petitioners have raised identical issues. Pending the election petitions, this writ petition has been preferred. The petitioners are raising various issues which call for examination of facts, leading and recording of evidence. In view of the fact that election petitions are pending and there is a statutory alternate remedy for aggrieved persons, we are not inclined to interfere in the matter and exercise our writ jurisdiction.

4. Keeping all issues on merits open, petition stands dismissed.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(NARESH H. PATIL,J.)