

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 11083 OF 2017

Sadhana Narayan Ghatal and others

.....Petitioners

V/s.

The Returning Officer, Gramin Panchayat
Elections and Tahsildar and Ors

....Respondents

Mr. Rajesh Datar for the Petitioner.

Mr. S. B. Shetye for respondent nos. 1 & 4.

Mr. A. P. Vanarase AGP for the State Respondent nos. 2 & 3.

**CORAM : SMT. VASANTI A. NAIK,
RIYAZ I. CHAGLA JJ.**

DATE : OCTOBER 3, 2017.

P.C.

Not on board. Upon production, taken on board.

By this writ petition, petitioners seek a direction against the respondents to accept the nomination forms of the petitioners for the election to the Khamloli, Pofran and Kore Village Panchayat in Palghar Taluka.

Shri. Datar, the learned counsel for the petitioners states that the last date for filing the nominations was 29/09/2017 and the candidates were

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required to fill the nomination forms-online. It is stated that on 29/09/2017, the server was down for a long time and hence the nomination papers of the petitioners could not be submitted.

On the other hand, it is submitted on behalf of the respondents that since there was some problem with the server on 29/09/2017, the time to fill the nomination papers was extended from 4.30 p.m. to 06.30 p.m. It is submitted that if the petitioners were desirous, the petitioners could have filed nomination forms before 6.30 p.m.

In the circumstances of the case, we are not inclined to interfere with the election process. The Hon'ble Apex Court has held in the judgment reported in the case of **Manda Jaganath Vs. K. S. Rathnam and Ors**¹ and this Court in the case of **Umaji Manglu Borse Vs. Returning Officer, Nashik and Others**² has held that High Court should not interfere with the election process at an intermediary stage. Today is the date for scrutinizing the nomination papers and the date for filing the nomination papers cannot be

¹ [(2004) 7 SCC 492]

² [(2010) 1 Mh.L.J. 909]

extended.

In the result, the writ petition fails and is dismissed with no order as to costs. The points raised in the petition are however kept open.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]