

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 10988 OF 2018

Bhausahab Dattarao Gore

Petitioner

Versus

The State of Maharashtra
& another

Respondents

Mr. P.D. Bachate, advocate for petitioner.

Mrs. V.N. Patil Jadhav, AGP for both respondents.

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.
DATE : 3rd OCTOBER, 2018.**

P.C. :

1. Petitioner is objecting to the order passed by the Returning Officer notifying the programme of election.
2. The last date prescribed for receiving nomination was 24.09.2018 however, the same has been extended to 01.10.2018. Petitioner contends that there were sufficient number of nomination papers received and that there was no reason to postpone elections however, the Election Officer who is an Engineer of the department has postponed the elections.
3. The elections are under the provisions of the Maharashtra Management of Irrigation Systems by Farmers Act, 2005. The rules, infact, do not provide for modification of the programme or postponement of the election. It is noticed that common notification in respect of four water user associations was published. In case of three water user associations, nomination

papers received until last date prescribed under the programme were not even sufficient to complete the coram. It appears that the decision is taken so as to ensure that the whole process is not frustrated. So far as one water user association is concerned, sufficient number of nomination papers were received. However, the programme being common in respect of all the water user associations, the decision appears to have been taken.

4. We do not propose to consider the question at this intermediate stage of process of elections. It would be open for the petitioner to raise the challenge after completion of the process before an appropriate forum. In exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India, no interference is called for. Keeping the option to avail of remedies available in law after completion of process of election, writ petition is disposed of.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

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