

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO. 14218 OF 2017

KASHINATH TEJARAO GHUGARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Lute Sandeep N
AGP for Respondents: Mr. S.N. Kendre

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CORAM : V. K. JADHAV, J.
DATED : 10th APRIL, 2018

PER COURT:-

1. Learned counsel for the petitioners submits that, the Collector, Aurangabad by common order dated 23.2.2016 disqualified the present petitioners for five years for not submitting the account of the election expenses. Learned counsel for the petitioners submits that, the petitioners have already submitted their account of election expenses to respondents well in time, however, without giving any opportunity and without assigning any reasons, the Collector Aurangabad has passed the impugned common order against the petitioners disqualifying them for the same reasons.

2. Learned counsel for the petitioners further submits that, this Court in identical facts, though under the provisions of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 remanded the matter to the District Collector on noticing that the

Collector by common order disqualified the petitioners therein without assigning any reason for the same.

3. On perusal of the impugned order, it appears that, the learned Collector, Aurangabad has not assigned any reason in the common order passed against the present petitioners and disqualified them for a period of five years for not submitting the account of the election expenses in time. It is also not clear from the impugned order that whether the notice is duly served on the present petitioners or not. It has simply mentioned by the Collector that notice has been served against all the persons and some of them have appeared or some of them have not appeared in the proceeding.

4. In view of the same and in view of the order passed by this Court in Writ Petition No.10984/2017 (Mahaveer Prakashchand Pahade Vs. The State of Maharashtra and others), the impugned order is hereby quashed and set aside to the extent of the petitioners only. Matter is remitted to the Collector so far as petitioners' case is concerned. The petitioners are permitted to file their reply before the Collector and the Collector may decide the matter afresh, on its own merits, as against the present petitioners. Writ Petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)