

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD***

WRIT PETITION NO. 12909 OF 2018

Suresh s/o Narayan Kharpude

... Petitioner

Versus

The State of Maharashtra & others

... Respondents

Mr. Nitin V. Gaware, Advocate holding for Mr. Mahesh Shinde,
Advocate for the Petitioner.

Mr. S.B. Pulkundwar, AGP for Respondent no. 1.

Mr. S.T. Shelke, Advocate for Respondent nos. 2 and 3.

Mr. Mukul Kulkarni, Advocate for Respondent no. 5.

Coram : N.M. Jamdar, J.

Date : 26 November 2018.

Oral Order :

1. By this petition, the petitioner has challenged rejection of his nomination paper by the Returning Officer on the ground that the petitioner is in arrears of dues of the Municipal Corporation.

2. Learned counsel for the petitioner seeks to assert otherwise and relying on the decision of the learned Single Judge of this Court

in the case of *Raosaheb Pundlikrao Gondane Vs. Election Officer*¹ contends that a notice ought to have been issued when the respondents raised objection regarding dues of the petitioner. Petitioner further explains that the dues have been tendered on 22 November 2018 i.e. the date of the scrutiny itself.

3. *Prima facie*, petitioner's own act of tendering dues on the very date of verification shows that he was in arrears of dues. If the petitioner wants to establish otherwise, he has remedy of election petition. Keeping that option open, writ petition is disposed of.

N.M. Jamdar, J.

¹ 2018(1) All M.R. 186