

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 WRIT PETITION NO. 14321 OF 2017

SHRI VILAS VASANTRAO CHAUDHARY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Sapkal V.D.
AGP for Respondent Nos. 1 to 4 : Mr. S. P. Tiwari

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CORAM : V. K. JADHAV, J.
DATED : 20th FEBRUARY, 2018

PER COURT:-

1. Heard finally with consent at admission stage.
2. I am not inclined to entertain this Writ Petition which has been filed belatedly.
3. The Elections of Zilla Parishad and Panchayat Samiti, Dhule were held in the year 2013. The petitioner has contested the election of Panchayat Samiti in the year 2013 from Gat No. 103-Phange, Taluka and District Dhule. Unfortunately, he has lost the said election. The petitioner, though submitted the account of expenditure incurred during the election process

within time, the Tahsildar, Dhule has issued a show cause notice dated 21.07.2013 to the petitioner as to why he should not be disqualified for a period of five years for non-submission of election expenditure. The petitioner has submitted his reply/ explanation to the said notice. The petitioner has pointed out that he has submitted the expenditure incurred during the election process in requisite proforma to the concerned authority in time. The Tahsildar has submitted the information to the Collector and pursuant to the said report, the Collector Dhule, on 03.11.2014, passed the order and thereby disqualified the present petitioner alongwith others. Being aggrieved by the same, the petitioner has preferred Appeal No. 242 of 2017 before the Divisional Commissioner, Nashik. By order dated 30.10.2017, the Divisional Commissioner has also dismissed the Appeal thereby confirming the order passed by the Collector, Dhule. Hence this Writ Petition.

4. The learned counsel for the petitioner submits that the learned Collector has passed a common order against 174 persons for non-submission of the election expenses. Though the petitioner submitted his explanation to the show cause notice, an

opportunity of being heard was not given to him. The learned counsel submits that it has been specifically recorded in the impugned order by the Collector that the petitioner has submitted the account of election expenses within time, however, no receipt is attached alongwith the explanation. On this ground alone, the learned Collector has passed the impugned order. The learned Divisional Commissioner, Nashik has not considered the same and accordingly, dismissed the Appeal.

5. The learned AGP submits that the petitioner has not submitted any receipt about submission of the account of election expenses to the competent authority. Further, the petitioner has challenged the order passed by the Collector after two and half years and even then, the learned Divisional Commissioner has considered the Appeal, though filed belatedly, on merits. Even in this Writ Petition, the petitioner has not filed the receipt to show that in fact he has submitted the account of election expenses within time and accordingly, the receipt has been issued by the competent authority.

6. On careful perusal of the impugned common order, it appears that though the same has been passed against many such persons, however, so far as the petitioner is concerned, it has been specifically recorded in the impugned order passed by the Collector that the petitioner has failed to submit the receipt alongwith explanation tendered in response to the show cause notice issued by the authority. The Collector has passed the impugned order on 03.11.2014, however, the petitioner has challenged the said order before the Divisional Commissioner in the year 2017 and that too without filing any application for condonation of delay. Thus, the Writ Petition suffers from delay and laches. Furthermore, even in this Writ Petition, the petitioner has not filed on record the receipt about submission of the account of expenses before the competent authority.

7. In view of the above, I do not find any substance in this Writ Petition. Hence, the following order:

The Writ Petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

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