

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

WRIT PETITION NO. 13938 OF 2017

SUNIL GANPATRAO NAGARGOJE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Kendre N.D.
AGP for Respondents: Mr. S N Kendre
Advocate for Respondent 4 : Mr Shelke Shivaji T.

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CORAM : V.K. JADHAV, J.
Dated: January 31, 2018

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PER COURT :-

1. Learned counsel for the petitioner submits that, the Collector, Latur by common order dated 24.10.2017 disqualified the present petitioner for five years for not submitting the account of the election expenses. Learned counsel for the petitioner submits that, the petitioner has already submitted his account of election expenses to respondent No.3 Tahsildar well in time, however, without giving any opportunity and without assigning any reasons, the Collector Latur has passed the impugned common order against 18 persons disqualifying them for the same reasons including the present petitioner.

aaa/-

2. Learned counsel 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 reasons for the same.

3. Learned A.G.P. submits that, alternate efficacious remedy is available to the petitioner to prefer an appeal before the Commissioner and, as such, this writ petition is liable to be dismissed on this count alone.

4. On perusal of the impugned order, it appears that, the learned Collector, Latur has not assigned any reason in the common order passed against 18 persons including the present petitioner 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 petitioner 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.

5. 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 petitioner only. Matter is remitted to the Collector so far as petitioner's case is concerned. The petitioner is permitted to file his reply before the Collector and the Collector may decide the matter afresh, on its own merits, as against the present petitioner. Writ Petition is accordingly disposed of. No costs.

(V.K. JADHAV, J.)

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