

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4746 of 2014

Sathi Bashir Ahemad Bashamiya ShaikhPetitioner
versus
Dr. Pravin Nilkanth Gedam and ors.Respondents

Mr. Ashok B. Tajane, advocate for the petitioner.
Mrs. M. P. Thakur, AGP for the State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 23rd FEBRUARY, 2018.

P. C. :

Heard learned counsel and learned AGP appearing for the respective parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking direction to the respondent Nos.1, 2 and 5 to decide his complaints dated 5th April, 2014, 21st April, 2014, 22nd April, 2014, 24th April, 2014 as well as 15th May, 2014.

3. On behalf of the respondents, Manisha Annasaheb Kumbhar, Sub-Divisional Officer, Mhada Sub Division, Kurduwadi, District Solapur has filed an affidavit-in-reply dated 12th September, 2014. So far as complaint dated 5th April, 2014 is concerned, a copy of which is annexed at page 60 to the petition, the affidavit-in-reply shows that the

grievance raised by the petitioner in the said complaint is considered and since no substance was found in the same, it was disposed of.

So far as complaint annexed at page 61 which is also dated 5th April, 2014 is concerned, the same is dealt with in paragraph 7 of the affidavit-in-reply. In paragraph 7, it is stated that after filing application on behalf of the petitioner, the identity card of candidate was issued to the petitioner and the entire election procedure was conducted by the respondent without any pressure or any undue influence from any parties. The grievance made in the said complaint, therefore, does not survive.

The grievance raised in rest of the complaints is dealt by the Sub-Divisional Officer by making averment in paragraph 16 of her said affidavit-in-reply. It is stated that the complaints of the petitioner were looked into and detailed enquiry was made and report was called from the Commissioner of Police, Solapur and, accordingly, report was submitted to the Nodal Officer for Model Code of Conduct and Additional District Magistrate, Solapur on 13th May, 2014. The report indicates that there is no breach of code of conduct on behalf of the respondents. This fact was already informed to the petitioner by the Nodal Officer for Model Code of Conduct and Additional District Magistrate, Solapur by its 4th June, 2014.

4. So far as challenge to the said letter dated 4th June, 2014 is concerned. The petitioner has not annexed the copy of the said letter/order though he was allowed to amend the petition and, therefore, we are unable to deal with the contention of the petitioner in regard to the said letter/order.

5. Taking totality of the facts and circumstances of the case into consideration, we find that the petition is devoid of any substance and the same is, accordingly, dismissed.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]