

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6659 OF 2018

Mrs. Asha Dnyaneshwar Gaikwad. ..Petitioner.
Versus
Mrs. Nikita Dnyandeo Salekar and Others. ..Respondents.

Mr. Pradeep M. Patil I/b Pravin B. Gole for the Petitioner.
Mrs. M. P. Thakur, AGP for the Respondent-State.
Mr. Mayur Jadhav I/b S. B. Shetye for Respondent No. 5.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **June 27, 2018.**

P. C. :

1. Heard. The petition is filed for the following reliefs :

“(b) this Hon'ble Court be pleased to issue a writ of certiorari and/or any other writ, order or direction in the nature of certiorari thereby and the entire election to the post of the Sarpanch of the Respondent No. 1 to the Respondent No. 4 Group Village Panchayat be quashed and set aside.

“(c) this Hon'ble Court be pleased to declare the election of Respondent No. 1 to the post of the Sarpanch to the Respondent No. 4 Group Village Panchayat in the general elections held on 27th May 2018 as void.”

2. The learned counsel for the Petitioner does not dispute that the Petitioner has alternative efficacious remedy of filing dispute before the Collector and thereafter appeal before the Commissioner. In that view of the matter, we are not inclined to entertain this writ petition.

3. Mr. Patil, the learned counsel for the Petitioner submitted that this is an exceptional case and therefore this Court should entertain the writ petition. In this regard, he placed reliance upon the decision in Bharati Reddy v. State of Karnataka [2018 SCC Online SC 177] and Baburao v. State of Maharashtra [2008(2) Mh.L.J. 203]. There is no dispute that this writ petition is maintainable in exceptional circumstances. However, in our considered view, the case is not exceptional one. Moreover, the petition involves disputed questions of fact. In the circumstances, petition is dismissed.

3. It is made clear that the Petitioner is always at liberty to avail of alternative remedies to redress her grievances raised in the writ petition.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]