

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
1008 WRIT PETITION NO.7554 OF 2019**

DATTA VYANKOJI JUMBDE AND OTHERS ..PETITIONERS

VERSUS

THE STATE ELECTION COMMISINER MAHARASHTRA STATE AND
OTHERS ..RESPONDENTS

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Ms. Neha B. Kamble, Advocate for the Petitioners.
Mr. S. B. Pulkundwar, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATED : 21st JUNE, 2019.**

PER COURT:-

1. Ms. Kamble learned counsel for petitioners submits that one Smt. Chaya Anil Ghayal is not resident of the village of Grampanchayat Jambhrun (Andh), still she has filled in nomination paper for by-election of member of Grampanchayat. The learned counsel submits that the name of said Smt. Ghayal also appears in the voters list of the village Lonar, Tq. Mehkar, Dist. Buldhana.

2. According to the learned counsel as said Smt. Ghayal is not resident of village of Grampanchayat Jambhrun (Andh), she is ineligible to contest the election as a member. Though the objection has been filed by petitioners on 07.06.2019, the decision has not been taken upon the same. The learned counsel in alternate submits that the Returning Officer / competent authority be

directed to take decision on the objection placed by petitioners.

3. Mr. Pulkundwar, learned A.G.P. on instructions of respondent no.3-Tahasildar submits that the valid list of contesting candidates is finalized and displayed and the same is also communicated to the Election Commission.

4. Whether the said candidate is resident of particular village or not is a disputed questions of fact. At present it needs to be considered that the name of the said candidate appears in the final voters list of village Jambhrun (Andh).

5. No doubt, the authority is required to decide the objection raised on the candidature of candidate, if raised within stipulated period. According to petitioners, the same is not yet decided.

6. Considering the facts that the list of the contesting candidates has been published and the same is also communicated to the Election Commission and that voting is scheduled on 23.06.2019, it would be too late in the day to consider the grievance. More particularly, when the same is based on disputed question of facts.

7. The petitioners may avail the remedy available to them under law, in case, the said

candidate is elected. In case, such a challenge is raised by petitioners in appropriate proceedings, all contentions raised by petitioners are kept open.

8. Writ Petition accordingly disposed of with aforesaid observations. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/June-19