

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2163/2019

(Jaikumar s/o Gajanan Betal Vs. State of Maharashtra, thru.Collector,Wardha and ors).

AND

WRIT PETITION NO.2164/2019

(Jaikumar s/o Gajanan Betal Vs. State of Maharashtra, thru.Collector,Wardha and ors).

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri H.N.Potbhare, Advocate for petitioner in both Writ petitions.
Shri Ambarish Joshi, AGP for respondent nos. 1 to 3.
Shri S.K.Bhoyar, Advocate for respondent no.4.
Shri Y.B.Mandpe, Advocate for respondent no.5.

CORAM : A.S.CHANDURKAR, J.

DATE : March 22, 2019

Heard finally in view of notice for final disposal issued earlier.

In both these petitions, the order accepting nomination form of
an intending candidate is under challenge.

It is further seen that the petitioner in both the writ petitions did
not raise any objections whatsoever to the acceptance of the nomination
form of the intending candidate. As per the provisions of Rule 11(1) of the
Bombay Village Panchayat Elections Rules, 1959 either an intending
candidate or any other person duly authorized in writing by said intending
candidate is entitled to remain present. Under Rule 11(2), the objections, if
any, have to be decided by the Returning Officer. Objections can also be
decided by the Returning Officer on his own motion.

In the present case, the nomination form of the intending candidate stands accepted. As the petitioner is not an intending candidate, the challenge at this stage of the election programme is not liable to be entertained especially as disputed questions of fact are sought to be raised. Keeping the challenges open for being raised after the results are declared, both these writ petitions are dismissed. No orders as to costs.

JUDGE

Andurkar.