

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2229/2017

Sindhu Bandu Gawande & anr.

..VS..

Election Officer & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. Ananthkrishnan, Adv h/f Shri R.R. Vyas, Adv for the petitioner(s)
Shri S.P. Deshpande, Addl. GP for the respondent no. 1
Shri Amol S. Mardikar, Advocate for the respondent nos. 2 to 5

CORAM : Z.A.HAQ, J.

DATED : 25/01/2019

Heard.

The respondent no. 5 had filed petition under Section 15 of the Maharashtra Village Panchayats Act contending that on 06/08/2015, after the counting of votes was over, the Returning Officer had informed him that he was elected on the seat available for open candidate and the respondent no. 4 – Sarita Dilip Naitam was elected on the seat reserved for ST (Woman), however, as the counting of votes of other Gram Panchayats was also going on that day, the Returning Officer had asked the respondent no. 5 to collect the certificate on the next day i.e. on 07/08/2015, and when the respondent no. 5 attended the office of the Returning Officer on 07/08/2015, he was informed that he was not elected. The respondent no. 5 had prayed that the election of the present petitioners be set aside and the respondent nos. 4 and 5 be declared elected. The trial Court has allowed the petition by the impugned judgment.

After assessing the evidence on record, the learned trial Judge has summed up his conclusions in para no. 27 of the impugned judgment. After examining the material placed on record, I find that the conclusions of the learned trial Judge are proper and cannot be faulted with. It cannot be said that the learned trial Judge has committed any illegality or error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari