

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6880/2019

(ANIL MADHUKARRAO KALE **VERSUS** THE ELECTION RETURNING OFFICER AND S.D.O.,
 BULDANA)

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

Court's or Judge's orders

Shri R.J. Shinde, counsel for petitioner.

CORAM : A.S. CHANDURKAR, J.

DATE : OCTOBER 07, 2019.

The petitioner is aggrieved by the non-acceptance of his nomination form in view of the order dated 05.10.2019 passed by the Election Returning Officer.

According to the petitioner, the nomination form for the general elections was to be filed between 11.00 a.m. and 3.00 p.m. on 04.10.2019. Though the petitioner was present in the Office of the Returning Officer from 2.00 p.m. onwards, he was not permitted to submit his nomination form on the ground that he had approached the said Office after 3.00 p.m. He therefore filed a representation which was not accepted and the impugned order came to be passed.

Heard Shri R.J. Shinde, learned counsel for the petitioner and Shri A.V. Palshikar, learned Assistant Government Pleader for the respondent. The question whether the petitioner was present in the Office of the Returning Officer before 3.00 p.m. alongwith his nomination form is a disputed question which would require adjudication after considering the material evidence. In writ jurisdiction that exercise cannot be undertaken.

With liberty to the petitioner to take such steps as are permissible after declaration of the results, the writ petition is dismissed. No costs. The points raised are kept open.

Authenticated copy of the order is granted to the counsel for the petitioner.

JUDGE

APTE