

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 903 OF 2020

Chandrabhaga Suresh Madhe @ Chandrabhaga Balu
Kedari and anr. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. Ganesh Bhujbal for the petitioners.

Mr. Y.S. Khochare, AGP for the respondent nos. 1 and 2.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : FEBRUARY 03, 2020

P.C.:

Petitioner no. 1 challenges the caste validity given to respondent no.3 on the ground that using the documents of petitioner no. 1, that validity has been procured. Thus the documents used by respondent no. 3 are bogus and therefore, his election as *sarpanch* is vitiated.

2. Petitioner no.2 claims to have procured the documents used by respondent no. 3 under the Right to Information Act.

3. During the hearing, we find that the respondent no.3 has filed police complaint against the husband of petitioner no. 2 and cognizance thereof has been taken.

4. Prima facie, it appears that petitioner no.2 therefore, is using petitioner no.1 to pressurize respondent no. 3.

5. The judgment of Hon'ble Apex Court in Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and Ors: 2013(4)Mh.L.J. 561 clearly holds that such petitioners cannot challenge the validity given to the elected representative and they have no locus in the matter.

6. Hence, keeping all contentions of the petitioners open and with liberty to them to take such other steps as may be open in law, petition is disposed of.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)