

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

WRIT PETITION NO.1151/2020

**Harshwardhan B.Godghate Vs. Election Commission of India, through Election
Commissioner, New Delhi and others**

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

Court's or Judge's Orders

 Shri K.B.Godghate, Advocate, for petitioner.
 Ms. Neerja Choube, Advocate for respondent no.1.

**CORAM : A.S.CHANDURKAR and
 AVINASH G. GHAROTE, JJ.**

DATE : June 16, 2020.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

Heard learned counsel for the petitioner. Prayer (A) in the writ petition reads as under :

“That the Hon’ble Court be pleased to issue writ declared the organizational Election of the BSP null and void. Give direction to the respondent no.1 that is Election Commission of India to appoint new returning officer for organizational election of BSP and conduct the election free and fare.”

By this prayer the petitioner seeks appointment of a returning officer for conducting organizational election of Bahujan Samaj Party (BSP), a political party, registered under Section 29 A of the Representation of People’s Act, 1951. Prayer as made is misconceived. Under Article 324 of the Constitution of India, the Election Commission is concerned only with the superintendence, direction, control as well as conduct of elections to the Parliament

and to the State Legislatures. The Election Commission is not concerned with the organizational election of any political party.

In these circumstances, the prayer as made cannot be granted.

Insofar as other reliefs sought in the writ petition are concerned, the same pertain to the internal affairs of the registered political party. A challenge is also raised to the organizational elections that were held in 2019. We find that various disputed questions of law arise which cannot be adjudicated in writ jurisdiction. With liberty to the petitioner to approach the Civil Court for redressal of his grievances and by keeping points in that regard open, the writ petition is not entertained. It is accordingly dismissed. No costs.

This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE

Andurkar..