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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 WRIT PETITION NO.46 OF 2021

DATTU APPASAHEB KARHALE

VERSUS

STATE OF MAHARASHTRA

THROUGH DEPT OF RURAL DEVELOPMENT AND OTHERS

...

Mr. S.S. Khoche, Advocate for the petitioner.

Mr. R.D. Sanap, A.G.P. for respondent Nos.1,3 & 4.

Mr. A.B. Kadethankar, Standing Counsel for resp. Nos.2 & 5.

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CORAM : RAVINDRA V. GHUGE, J.
(Vacation Court)

DATE : 02nd January 2021

PER COURT:

1. By this petition, the petitioner seeks to challenge the acceptance of nomination forms of respondent Nos.6, 7, 8 and 9. His objections have been turned down by the Returning Officer.

2. I have considered the submissions of the learned Advocate for the petitioner and have perused the petition paper book with his assistance.

3. The petitioner has filed his nomination form and the same has been rejected. He has not challenged his rejection.

4. It appears from the record that the only objection raised by the petitioner, who is not a contesting candidate, as

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against the candidature of respondent Nos. 6, 7, 8 and 9 is that they should have filled in each and every blank space in the nomination forms. Rule 11 (2-A) of the Bombay Village Panchayat Election Rules, 1959 prohibits the Returning Officer from rejecting the nomination form on the ground of any defect which is not of a substantial character. The Returning Officer opined that the nomination forms filled in by respondent Nos.6 to 9 are complete in all respects.

5. I had given an opportunity to the petitioner to withdraw this petition instead of inviting an order. The petitioner insisted on an order. I find this petition to be frivolous and vexatious litigation.

6. As such, this petition is dismissed by imposing costs of Rs. 20,000/- (Rupees Twenty Thousand) to be deposited by the petitioner in this Court within four weeks from today, failing which the District Collector shall initiate recovery proceedings by following a procedure as is contemplated for the recovery of arrears of land revenue. The said amount shall be donated, for the treatment of Covid-19 patients, to the District Collector, Aurangabad.

(RAVINDRA V. GHUGE, J.)

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